

5 Star Investment Group
341 Meeting, on 11/15/2016

1 UNITED STATES BANKRUPTCY COURT
2 NORTHERN DISTRICT OF INDIANA
3 SOUTH BEND DIVISION

4 IN RE:) CASE NUMBERS 16-30078 -
5) 16-30088
6 5 STAR INVESTMENT GROUP,)
7 LLC, and associated) Chapter 11
8 cases.)
9 Debtors.)

COPY

10 341 MEETING OF CREDITORS
11 (AUDIO TRANSCRIPTION)

12 DATE: November 15, 2016

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<p>1 APPEARANCES:</p> <p>2 Susan Jaffe Roberts, Esq., Assistant United States Trustee</p> <p>3 Earl Miller, on behalf of the Debtors</p> <p>4 Andrew Thompson, Esq., on behalf of Earl Miller</p> <p>5 William R. Jonas, Jr., Esq., on behalf of the unsecured creditors</p> <p>6 Douglas R. Adelsperger, Esq, Chapter 11 Trustee</p> <p>7 Edward Kos, Esq., Kos & Associates, on behalf of the trustee</p> <p>8 Matt Fisher, on behalf of William Adamczyk</p> <p>9 Samuel Swartz, investor</p> <p>10 Karen Andrews, investor</p> <p>11 Steve Height, investor</p> <p>12 Christopher Riley, Esq., on behalf of James Miller and Joe Miller</p> <p>13 Stan Baker, investor</p> <p>14 George Horn, Esq., on behalf of Matthew Gingerich</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 P R O C E E D I N G S</p> <p>2 ASSISTANT TRUSTEE ROBERTS: Good morning.</p> <p>3 Today is November 15, 2016. It is</p> <p>4 10:00 a.m. This is the continued meeting of</p> <p>5 creditors being held pursuant to Section 341</p> <p>6 of the bankruptcy code in the cases of 5</p> <p>7 Star Investment Group, LLC, Case Number</p> <p>8 16-30078; 5 Star Portland Holdings, LLC,</p> <p>9 Case Number 16-30079; 5 Star Investment</p> <p>10 Group V, LLC, Case Number 16-30080; 5 Star</p> <p>11 Commercial, LLC, Case Number 16-30081; 5</p> <p>12 Star Investment Group VII, LLC, Case Number</p> <p>13 16-30082; 5 Star Holdings, LLC, Case Number</p> <p>14 16-30083; 5 Star Investment Group III, LLC,</p> <p>15 Case Number 16-30084; 5 Star Indiana</p> <p>16 Holdings, LLC, Case Number 16-30085; 5 Star</p> <p>17 Investment Group II, LLC, Case Number</p> <p>18 16-30086; 5 Star Investment Group IV, LLC,</p> <p>19 Case Number 16-30087; and 5 Star Capital</p> <p>20 Fund, LLC, Case Number 16-30088.</p> <p>21 All of these cases are filed in the</p> <p>22 Northern District of Indiana in the United</p> <p>23 States Bankruptcy Court. And by order of</p> <p>24 the bankruptcy court, these Chapter 11 cases</p> <p>25 have been substantively consolidated. By</p>
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<p>1</p> <p>2 E X A M I N A T I O N S</p> <p>3</p> <p>4 Witness Page</p> <p>5 EARL D. MILLER</p> <p>6 BY MR. JONAS..... 9</p> <p>7 BY MR. KOS..... 29</p> <p>8 BY MR. FISHER..... 35</p> <p>9 BY MR. SWARTZ..... 37</p> <p>10 BY MS. ANDREWS..... 38</p> <p>11 BY MR. HEIGHT..... 39</p> <p>12 BY MR. RILEY..... 39</p> <p>13 BY MR. BAKER..... 40</p> <p>14 BY MR. KOS..... 51</p> <p>15 BY MR. ADELSPERGER..... 78</p> <p>16 BY ASSISTANT TRUSTEE ROBERTS..... 80</p> <p>17 BY MR. ADELSPERGER..... 80</p> <p>18 BY MR. KOS..... 82</p> <p>19 BY MR. KOS..... 88</p> <p>20 BY MR. HORN..... 88</p> <p>21 BY MR. ADELSPERGER..... 96</p> <p>22 BY ASSISTANT TRUSTEE ROBERTS..... 97</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 order of the bankruptcy court, Mr. Douglas</p> <p>2 Adelsperger was appointed Chapter 11 trustee</p> <p>3 of the consolidated debtors.</p> <p>4 My name is Susan Jaffe Roberts. I am the</p> <p>5 assistant United States Trustee for the</p> <p>6 Northern District of Indiana with the</p> <p>7 Department of Justice and the office of the</p> <p>8 United States Trustee.</p> <p>9 The initial meeting of creditors was</p> <p>10 conducted on February 29th, 2016. A</p> <p>11 continued meeting of creditors was held on</p> <p>12 September 21st, 2016.</p> <p>13 The purpose of this continued meeting of</p> <p>14 creditors is to continue the examination of</p> <p>15 the debtors under oath regarding their</p> <p>16 financial affairs in these bankruptcy cases.</p> <p>17 Again, this is not a judicial proceeding.</p> <p>18 It's an administrative proceeding to conduct</p> <p>19 a continued oral inquiry into the condition</p> <p>20 of the 11 debtors. We will ask questions</p> <p>21 regarding the operations of the debtors,</p> <p>22 both as individual limited liability</p> <p>23 companies and, as appropriate, regarding the</p> <p>24 operations of the debtors as a group. The</p> <p>25 debtors have filed their schedules of</p>

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<p style="text-align: right;">Page 6</p> <p>1 property and debts.</p> <p>2 This meeting is being digitally recorded.</p> <p>3 We will keep this recording for two years in</p> <p>4 our South Bend office. During that time,</p> <p>5 you may come to our office and listen to the</p> <p>6 recording of the meeting or you may send us</p> <p>7 a blank writable CD, and we will make a copy</p> <p>8 of the recording of the meeting for you.</p> <p>9 You may also have a transcript of the</p> <p>10 meeting made at your own expense.</p> <p>11 During the meeting, you may be given the</p> <p>12 opportunity to ask questions. If you do,</p> <p>13 you will be asked to identify yourself and</p> <p>14 speak loudly and plainly so that the</p> <p>15 recording is clear and accurate. If we</p> <p>16 cannot conclude the meeting today, for any</p> <p>17 reason, I may continue the 341 and have it</p> <p>18 be continued to a later date. If that</p> <p>19 happens, a notice of the date and continued</p> <p>20 meeting will be sent out to all creditors</p> <p>21 and parties in interest.</p> <p>22 At the prior meeting of creditors, the</p> <p>23 initial one, I asked questions on behalf of</p> <p>24 the United States Trustee, as did the</p> <p>25 Chapter 11 trustee, and a number of other</p>	<p style="text-align: right;">Page 8</p> <p>1 ASSISTANT TRUSTEE ROBERTS: All right. Once</p> <p>2 again, please state your full name for the</p> <p>3 record.</p> <p>4 THE WITNESS: Earl D. Miller.</p> <p>5 ASSISTANT TRUSTEE ROBERTS: And, Mr. Miller,</p> <p>6 are the address and contact information that</p> <p>7 you previously provided to the office of the</p> <p>8 U.S. Trustee still correct?</p> <p>9 THE WITNESS: Yes.</p> <p>10 ASSISTANT TRUSTEE ROBERTS: Okay. And may I</p> <p>11 again see your picture I.D.?</p> <p>12 THE WITNESS: Yep.</p> <p>13 UNIDENTIFIED FEMALE VOICE: Sorry for the</p> <p>14 interruption, Mr. Miller. We've got this</p> <p>15 nice system, so you need to speak into the</p> <p>16 microphone. You're going to have to hold it</p> <p>17 and be a rock star.</p> <p>18 THE WITNESS: Okay.</p> <p>19 (Inaudible)</p> <p>20 ASSISTANT TRUSTEE ROBERTS: Okay. Thank</p> <p>21 you. Now, I'm going to ask creditors</p> <p>22 committee counsel, Mr. Jonas, to commence</p> <p>23 asking his questions. When he is done, I</p> <p>24 will call on others of you to ask questions,</p> <p>25 and we will break for lunch at about 12:45</p>
<p style="text-align: right;">Page 7</p> <p>1 creditors and parties in interest. At</p> <p>2 today's meeting, I will reserve any</p> <p>3 additional questions for the United States</p> <p>4 for later and will ask counsel for the</p> <p>5 creditors committee, Mr. William Jonas, to</p> <p>6 commence the questioning. After that, we</p> <p>7 will ask individual creditors who are in the</p> <p>8 audience, who have not yet had their</p> <p>9 opportunity to ask questions at one of the</p> <p>10 prior meetings, to ask any questions that</p> <p>11 they may have of the debtors.</p> <p>12 Before we commence further, I will</p> <p>13 administer the oath.</p> <p>14 Mr. Miller, will you please identify</p> <p>15 yourself for the record.</p> <p>16 THE WITNESS: Earl Miller.</p> <p>17 ASSISTANT TRUSTEE ROBERTS: Counsel?</p> <p>18 MR. THOMPSON: Andrew Thompson.</p> <p>19 ASSISTANT TRUSTEE ROBERTS: Mr. Miller,</p> <p>20 would you please raise your right hand? Do</p> <p>21 you swear or affirm under penalty of perjury</p> <p>22 that the testimony you give here today will</p> <p>23 be the truth, the whole truth, and nothing</p> <p>24 but the truth?</p> <p>25 THE WITNESS: I do.</p>	<p style="text-align: right;">Page 9</p> <p>1 p.m. and resume the meeting as needed an</p> <p>2 hour later. Mr. Jonas, please commence.</p> <p>3 EXAMINATION OF EARL D. MILLER</p> <p>4 BY MR. JONAS:</p> <p>5 Q. Good morning, Mr. Miller. My name is Will Jonas.</p> <p>6 I'm the counsel for the official committee of the</p> <p>7 unsecured creditors in this case. I'd like to</p> <p>8 direct your attention to the spring of 2015 and</p> <p>9 ask if during that time period you recall a</p> <p>10 meeting with officials of the securities</p> <p>11 department of the State of Indiana.</p> <p>12 A. Yes.</p> <p>13 Q. What was, what was the -- what was -- to your</p> <p>14 understanding the reason that you went to meet</p> <p>15 with securities officials of the State of</p> <p>16 Indiana?</p> <p>17 A. Okay. So I'm going to be taking the Fifth</p> <p>18 Amendment today on questions.</p> <p>19 Q. Well --</p> <p>20 ASSISTANT TRUSTEE ROBERTS: If I might</p> <p>21 interrupt, in order to take the Fifth</p> <p>22 Amendment, please be aware that you may only</p> <p>23 take the Fifth Amendment on an individual</p> <p>24 question basis. You can't take it blanket.</p> <p>25 So that's one. So you will need to, if you</p>

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<p style="text-align: right;">Page 10</p> <p>1 intend to assert your privilege, you will 2 need to assert it to each question that 3 you're asked. 4 As a further reminder, to the extent that 5 questions have already been raised about 6 particular information that you have 7 answered extensively in two prior meetings, 8 you will have waived the right to assert 9 that privilege again. Mr. Jonas. 10 MR. THOMPSON: I'm going to state for the 11 record that, that the witness is always 12 allowed to reassert their Fifth Amendment 13 right. At any point in time, they can 14 revoke any waiver that they've made. I 15 understand that the evidence collected can 16 be used as if it was -- as a waiver at the 17 time that he answered the question. But he 18 is always allowed to reinstate his -- to 19 reassert his Fifth Amendment privilege. 20 ASSISTANT TRUSTEE ROBERTS: All right. 21 Well, we'll beg to differ, and we will go 22 ahead and proceed question by question. 23 MR. THOMPSON: That's fine. 24 ASSISTANT TRUSTEE ROBERTS: Mr. Jonas. 25 Q. (By Mr. Jonas) Thank you. Mr. Miller, you</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Were there any other persons at that meeting that 2 you know their identity? 3 A. I plead the Fifth. 4 Q. After that meeting, did you return to South Bend 5 or Mishawaka to the offices of 5 Star and 6 continue to operate the business of 5 Star? 7 A. I plead the Fifth. 8 Q. Did 5 Star make any changes after that meeting in 9 the way that it accepted money from investors? 10 A. I plead the Fifth. 11 Q. Did 5 Star accept money from investors by wire 12 transfers? 13 A. Plead the Fifth. 14 Q. Did 5 Star accept money from investors in cash? 15 A. I plead the Fifth. 16 Q. Did 5 Star accept money from investors by 17 personal check? 18 A. I plead the Fifth. 19 Q. I want to move now to the period of July, 2015 -- 20 of 2015. And when we were here in September, you 21 indicated that that was the point at which you 22 brought Global in as the turnaround agent for the 23 company. Do you recall that testimony, sir? 24 A. I plead the Fifth. 25 Q. Okay. Do you recall any of the investors to whom</p>
<p style="text-align: right;">Page 11</p> <p>1 indicated that there was a meeting with Indiana 2 state securities officials sometime in the spring 3 of 2015; is that correct? 4 A. Plead the Fifth. 5 (A discussion was held off the record.) 6 ASSISTANT TRUSTEE ROBERTS: I think if you 7 can just raise -- 8 UNIDENTIFIED VOICE: The group may be small 9 enough today that we can -- 10 ASSISTANT TRUSTEE ROBERTS: I think we're 11 okay today. 12 UNIDENTIFIED VOICE: -- that we can get 13 along without that. 14 Q. (By Mr. Jonas) Mr. Miller, where did that meeting 15 take place? 16 A. Plead the Fifth. 17 Q. Mr. Miller, do you recall the names of any of the 18 persons who were present at that meeting? 19 A. Plead the Fifth. 20 Q. Were you present at that meeting on behalf of the 21 5 Star entities? 22 A. Plead the Fifth. 23 Q. Were there any other persons present at that 24 meeting on behalf of the 5 Star entities? 25 A. I plead the Fifth.</p>	<p style="text-align: right;">Page 13</p> <p>1 those funds were returned? 2 A. I plead the Fifth. 3 Q. Do you recall what employee of 5 Star was 4 primarily responsible for raising those funds? 5 A. I plead the Fifth. 6 Q. Were the funds returned to investors returned 7 from the 5 Star account? 8 A. I plead the Fifth. 9 Q. Who made the determination which investors would 10 have money returned to them? 11 A. I plead the Fifth. 12 ASSISTANT TRUSTEE ROBERTS: Can you speak 13 up? 14 THE WITNESS: Yeah. I'm saying the same 15 thing, so... 16 ASSISTANT TRUSTEE ROBERTS: You need to say 17 it -- 18 THE WITNESS: Louder. 19 ASSISTANT TRUSTEE ROBERTS: -- every time 20 loudly and -- 21 THE WITNESS: Okay. 22 ASSISTANT TRUSTEE ROBERTS: -- and clearly 23 for the record. 24 THE WITNESS: All right. 25 Q. (By Mr. Jonas) What records were made of the</p>

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<p style="text-align: right;">Page 14</p> <p>1 return of funds to investors in July of 2015?</p> <p>2 A. I plead the Fifth.</p> <p>3 Q. Were those made by 5 Star entities or by Global?</p> <p>4 A. I plead the Fifth.</p> <p>5 Q. Were those made at your direction or the</p> <p>6 direction of someone else?</p> <p>7 A. I plead the Fifth.</p> <p>8 Q. Is it your intention to plead the Fifth to every</p> <p>9 question that is asked today regardless of the</p> <p>10 question?</p> <p>11 ASSISTANT TRUSTEE ROBERTS: Counsel, you may</p> <p>12 not advise.</p> <p>13 MR. JONAS: I'd like the witness to answer</p> <p>14 the question without conferring with counsel</p> <p>15 first.</p> <p>16 A. That is my intention.</p> <p>17 Q. (By Mr. Jonas) What date is it, sir?</p> <p>18 A. The 14th.</p> <p>19 Q. In September you testified that you had a</p> <p>20 75 percent interest in a company called Artisan</p> <p>21 Builders. Do you recall that testimony?</p> <p>22 A. I plead the Fifth.</p> <p>23 Q. Does Artisan Builders have any contracts -- did</p> <p>24 it ever have any contracts with any of the 5 Star</p> <p>25 entities?</p>	<p style="text-align: right;">Page 16</p> <p>1 committee. But this is now the third time.</p> <p>2 Okay? He has not been charged with</p> <p>3 anything.</p> <p>4 These questions go to personal liability.</p> <p>5 They also go to the prospect of some type of</p> <p>6 charges for criminal liability. There has</p> <p>7 been zero, absolutely zero evidence produced</p> <p>8 to show any reason to go forward with the</p> <p>9 criminal case against my client. It's</p> <p>10 probably pretty well evident to most people</p> <p>11 on the committee that whatever civil</p> <p>12 liability is imposed against him is going to</p> <p>13 be difficult or impossible ever to recover</p> <p>14 because of his incredible lack of resources</p> <p>15 because he didn't take anything from the</p> <p>16 company or from the investors.</p> <p>17 My client came to me with this situation</p> <p>18 more than any other reason, more than any</p> <p>19 other client I've ever had, with the desire</p> <p>20 to help the investors recover their money.</p> <p>21 He's already been before this committee</p> <p>22 twice. If the committee wants to go</p> <p>23 forward, he will happily cooperate once an</p> <p>24 appropriate grant of immunity has been given</p> <p>25 to him.</p>
<p style="text-align: right;">Page 15</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Would you please hand me the piece of paper that</p> <p>3 you just looked at?</p> <p>4 MR. THOMPSON: This is work product. Yeah.</p> <p>5 MR. JONAS: It's a document that he looked</p> <p>6 at. I can ask for it.</p> <p>7 MR. THOMPSON: Well, then subpoena it.</p> <p>8 Q. (By Mr. Jonas) I'd like to ask for the production</p> <p>9 of all of the, of the documents that you have</p> <p>10 read and that you've written down today.</p> <p>11 MR. THOMPSON: If you'd submit that to me in</p> <p>12 writing so we can make appropriate</p> <p>13 objections, then we'll do that.</p> <p>14 MR. JONAS: Counsel, is it your intention to</p> <p>15 instruct your client to not respond to any</p> <p>16 question regardless of whether he has</p> <p>17 previously testified to those subjects?</p> <p>18 MR. THOMPSON: Okay. You asked me about my</p> <p>19 intention. I haven't been presented with</p> <p>20 that opportunity or option at this moment.</p> <p>21 What I am advising my client to do is to</p> <p>22 take every appropriate step to preserve his</p> <p>23 Fifth Amendment rights to the maximum extent</p> <p>24 possible. This is not the first nor the</p> <p>25 second time that he has been before the</p>	<p style="text-align: right;">Page 17</p> <p>1 ASSISTANT TRUSTEE ROBERTS: Okay. I need to</p> <p>2 just interrupt here. And I'm speaking as</p> <p>3 the assistant United States Trustee. We are</p> <p>4 here in a Section 341 meeting of creditors</p> <p>5 pursuant to Section 341 of the bankruptcy</p> <p>6 code.</p> <p>7 MR. THOMPSON: I understand.</p> <p>8 ASSISTANT TRUSTEE ROBERTS: Mr. Miller is</p> <p>9 here in his capacity as the sole owner and</p> <p>10 prepetitioned manager of the 11 entities,</p> <p>11 which he voluntarily committed to the</p> <p>12 oversight of the United States Bankruptcy</p> <p>13 Court. This is not a criminal proceeding.</p> <p>14 This is not a court hearing. Pursuant to</p> <p>15 Section 341 and 343 of the United States</p> <p>16 bankruptcy code, a debtor in bankruptcy or</p> <p>17 in a business bankruptcy, the principal of</p> <p>18 the representative of the entity which is in</p> <p>19 bankruptcy has an absolute duty under the</p> <p>20 bankruptcy code to provide information with</p> <p>21 respect to the liabilities and assets of the</p> <p>22 debtors that -- and all of the information</p> <p>23 that is in the schedules, petition, and the</p> <p>24 statement of financial affairs of the</p> <p>25 debtors.</p>

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<p>Page 18</p> <p>1 The information that Mr. Jonas is asking 2 Mr. Miller about, a good deal of it is 3 disclosed in these filings which are already 4 before the bankruptcy court, publicly noted, 5 and which are sworn to by him under 6 penalties of perjury. His duty to respond 7 in this situation is not, is not sheltered. 8 He has an absolute duty under the code to 9 respond -- 10 MR. THOMPSON: I'm his -- 11 ASSISTANT TRUSTEE ROBERTS: -- to any -- and 12 I understand that you are asking Mr. Miller 13 to assert the Fifth to every single question 14 that is asked. I'm merely instructing you 15 and I'm instructing everyone here with 16 respect to Mr. Miller's duties under the 17 bankruptcy code. 18 Mr. Jonas, if you would like to continue 19 your questions. 20 MR. THOMPSON: If I may just briefly respond 21 to your comment about the absolute duty. 22 The absolute duty does not supersede his 23 absolute constitutional right, okay, under 24 the Fifth Amendment. If this is a civil 25 proceeding, let's make it about a civil</p>	<p>Page 20</p> <p>1 MR. THOMPSON: I can't do that right now. 2 There's nothing that I -- I'm probably going 3 to -- we work out the proper protections in 4 terms of attorney-client privilege. 5 MR. ADELSPERGER: Sir, I can tell you right 6 now I am in no mood and no position -- 7 MR. THOMPSON: That's fine. 8 MR. ADELSPERGER: -- to give your client any 9 protection. Here's why: He filed and 10 signed 11 bankruptcies. Not 1, 11. We are 11 entitled, not as a committee, but as the 12 trustee and the United States Trustee to 13 have 11 of these meetings. And if that's 14 what he wants, if he wants to sit here and 15 talk and take the Fifth for 11 times, and 16 then go out in public and say, "But I want 17 to do what's right by the investors," to me 18 that seems a little self-serving. All of 19 these questions have nothing to do with what 20 the SEC -- to date, has nothing to do with 21 what the SEC has brought up, any imaginary 22 criminal activity that is being 23 investigated, because I can assure you I'm 24 not investigating criminal activity. 25 I'm trying to piece together a puzzle, a</p>
<p>Page 19</p> <p>1 proceeding, and let's take the criminal 2 issues off the table. 3 MR. ADELSPERGER: But -- 4 MR. THOMPSON: That can be done. 5 MR. ADELSPERGER: -- not by -- may I? Not 6 by anybody here. 7 MR. THOMPSON: Not by anybody here, but the 8 SEC has been part of this as well, and they 9 have the power of -- they have enforcement 10 power by which they can, they can 11 potentially charge my client. 12 ASSISTANT TRUSTEE ROBERTS: Okay. We -- 13 MR. THOMPSON: And he wants to cooperate. 14 MR. ADELSPERGER: That's painfully obvious 15 right now. May I, may I -- I've got two 16 things. 17 ASSISTANT TRUSTEE ROBERTS: Trustee. 18 MR. ADELSPERGER: Trustee Doug Adelsperger. 19 One, I cannot read what's on those pieces of 20 paper right now. I'd like to take a picture 21 from right here so that when we ask a judge 22 to have you turn them over, I can be 23 specific on what we want. Will you consent 24 to me taking a photograph right now of what 25 I can see?</p>	<p>Page 21</p> <p>1 very large puzzle on somewhere between 15 2 and 30 million dollars of investor money. 3 What happened to it? Where is it? How can 4 I go get it? How can we bring it back in? 5 Those are the questions. 6 MR. THOMPSON: Uh-huh. 7 MR. ADELSPERGER: If he's going to take the 8 Fifth to those, we'll ultimately be in front 9 of some tribunal finding out to make sure -- 10 can he be forced to answer those questions. 11 ASSISTANT TRUSTEE ROBERTS: Okay. 12 MR. ADELSPERGER: I get that. 13 MR. THOMPSON: If you're talking about the 14 prospect of 11 creditors meetings with 15 creditors who may be here on any of those 16 different 11 times, and they may want to 17 come back every time, if you want to use 18 that kind of inefficient process, you're in 19 the process of reasking questions that you 20 say are already in the record again and 21 again -- 22 (Indiscernible cross talk) 23 MR. ADELSPERGER: With all due respect, he 24 started the snowball down the mountain, not 25 me.</p>

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<p style="text-align: right;">Page 22</p> <p>1 MR. THOMPSON: I understand.</p> <p>2 ASSISTANT TRUSTEE ROBERTS: Okay. We're not</p> <p>3 going to have back and forth here. Okay?</p> <p>4 In terms of the asking of the questions,</p> <p>5 this is how bankruptcy works.</p> <p>6 MR. THOMPSON: I understand.</p> <p>7 ASSISTANT TRUSTEE ROBERTS: In the</p> <p>8 bankruptcy code, the meeting of the</p> <p>9 creditors is specifically for the purpose</p> <p>10 for creditors or in this case an appointed</p> <p>11 trustee or the United States Trustee to be</p> <p>12 able to delve into the information that has</p> <p>13 been filed publicly with the court regarding</p> <p>14 the affairs of the debtor. And that is the</p> <p>15 way that the bankruptcy system works under</p> <p>16 the United States code.</p> <p>17 MR. THOMPSON: I understand.</p> <p>18 ASSISTANT TRUSTEE ROBERTS: We are now going</p> <p>19 to proceed forward and allow Mr. Jonas to</p> <p>20 continue with his questions. Mr. Jonas.</p> <p>21 MR. JONAS: Thank you.</p> <p>22 Q. (By Mr. Jonas) Mr. Miller, are any of the</p> <p>23 investors in the Ashley Park, Timber Hollow,</p> <p>24 Avalon Trace apartment complex investors who also</p> <p>25 invested in any of the 5 Star entities?</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Are any of the investors in Village Apartments of</p> <p>3 Charleston, LLC, the same as investors in these</p> <p>4 pending cases?</p> <p>5 A. I plead the Fifth.</p> <p>6 Q. Are any of the investors in Cedar Apartments in</p> <p>7 Madison, Tennessee, the same as investors in</p> <p>8 these bankruptcy cases?</p> <p>9 A. I plead the Fifth.</p> <p>10 Q. Are any of the investors in the Albion complex in</p> <p>11 Houston, Texas, the same as investors in the 5</p> <p>12 Star cases before this tribunal?</p> <p>13 A. I plead the Fifth.</p> <p>14 Q. Who else besides you and Kim Bruggeman are owners</p> <p>15 of 5 Star Management Solutions, LLC?</p> <p>16 A. I plead the Fifth.</p> <p>17 MR. THOMPSON: May I ask a point of</p> <p>18 clarification? Wasn't it asserted that he</p> <p>19 was the sole owner of all of these 11</p> <p>20 companies? Didn't you just ask a question</p> <p>21 that presumes that there's another owner?</p> <p>22 MR. JONAS: 5 Star Management Solutions is</p> <p>23 not one of the debtors in this case, sir.</p> <p>24 MR. THOMPSON: Thank you. I appreciate</p> <p>25 that.</p>
<p style="text-align: right;">Page 23</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Are any of the investors in the Fairfax or Colony</p> <p>3 Place apartment complexes the same as investors</p> <p>4 in any of the 5 Star entities that are debtors in</p> <p>5 these bankruptcy cases?</p> <p>6 A. I plead the Fifth.</p> <p>7 Q. Are any of the investors of Golden Asset</p> <p>8 Management, LLC, or Utah Holdings the same</p> <p>9 identity as investors in any of the 5 Star</p> <p>10 bankruptcies that are involved in these cases?</p> <p>11 A. I plead the Fifth.</p> <p>12 Q. Are any of the investors in Timber Hollow</p> <p>13 apartments also investors in the 5 Star</p> <p>14 bankruptcies pending in this case?</p> <p>15 A. I plead the Fifth.</p> <p>16 Q. Are any of the investors in Twin City of</p> <p>17 Winston-Salem the same identity as investors in</p> <p>18 these cases?</p> <p>19 A. I plead the Fifth.</p> <p>20 Q. Are any of the investors of Southern Equity Group</p> <p>21 Trust the same as investors in these bankruptcy</p> <p>22 cases?</p> <p>23 A. I plead the Fifth.</p> <p>24 Q. Are any of the investors in TC Commercial the</p> <p>25 same as investors in these cases?</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. (By Mr. Jonas) Have any of the 5 Star debtors in</p> <p>2 these cases conducted business with any entity in</p> <p>3 which Marlin Schwartz has an interest?</p> <p>4 A. I plead the Fifth.</p> <p>5 Q. Have any of the debtors in these bankruptcy cases</p> <p>6 worked with a lawyer named Mr. Sherman from</p> <p>7 Michigan?</p> <p>8 A. I plead the Fifth.</p> <p>9 Q. Have any of the debtors in these cases worked</p> <p>10 with a lawyer named Charlie Zercher from</p> <p>11 Nappanee, Indiana?</p> <p>12 A. I plead the Fifth.</p> <p>13 Q. Have any of the 5 Star entities involved in this</p> <p>14 case had any dealings with a lawyer named Kim</p> <p>15 Taylor from California?</p> <p>16 A. I plead the Fifth.</p> <p>17 Q. Have any of the 5 Star debtors done any business</p> <p>18 with a lawyer named Cassidy Fritz in Elkhart?</p> <p>19 A. I plead the Fifth.</p> <p>20 Q. Have any of the entities that are involved in</p> <p>21 this case done any business with a lawyer named</p> <p>22 Norman Praet?</p> <p>23 A. I plead the Fifth.</p> <p>24 Q. What other lawyers have the debtors done business</p> <p>25 besides the list I just gave you?</p>

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<p style="text-align: right;">Page 26</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Have any of the 5 Star entities done any business</p> <p>3 with Andrew Thompson?</p> <p>4 A. I plead the Fifth.</p> <p>5 Q. Is Mr. Thompson the lawyer for 5 Star, or is he</p> <p>6 the lawyer for you?</p> <p>7 A. I plead the Fifth.</p> <p>8 MR. THOMPSON: I want to make a note for the</p> <p>9 record of the notes that were just shared</p> <p>10 between the two attorneys so that when I ask</p> <p>11 for counter-production, that we'll be --</p> <p>12 you'll be aware of what I was referring to.</p> <p>13 MR. ADELSPERGER: You want to take a picture</p> <p>14 of it?</p> <p>15 MR. THOMPSON: Sure.</p> <p>16 MR. ADELSPERGER: You can have it. There</p> <p>17 you go.</p> <p>18 MR. JONAS: Mr. Kos's note to me had a name</p> <p>19 Andrew Thompson on it.</p> <p>20 MR. THOMPSON: I understand. Thank you.</p> <p>21 MR. JONAS: You're welcome. There are</p> <p>22 partners of this case who are willing to be</p> <p>23 transparent.</p> <p>24 MR. THOMPSON: And my client is one of them.</p> <p>25 MR. JONAS: That's a rather ironic</p>	<p style="text-align: right;">Page 28</p> <p>1 invocation of the Fifth Amendment right today,</p> <p>2 was that -- has that been on behalf of the</p> <p>3 companies?</p> <p>4 A. I plead the Fifth.</p> <p>5 Q. And is that on behalf of yourself individually?</p> <p>6 A. I plead the Fifth.</p> <p>7 MR. JONAS: That's all the questions I have,</p> <p>8 Mr. Trustee.</p> <p>9 MR. ADELSPERGER: Before we move on, I have</p> <p>10 one simple question.</p> <p>11 ASSISTANT TRUSTEE ROBERTS: Please.</p> <p>12 MR. ADELSPERGER: And, Mr. Miller, I'll</p> <p>13 address it to you. I do know what your</p> <p>14 answer's going to be, but, Counsel, if you</p> <p>15 know, given the fact that you stated the</p> <p>16 inefficiencies going on here --</p> <p>17 MR. THOMPSON: Uh-huh.</p> <p>18 MR. ADELSPERGER: -- my question is quite</p> <p>19 simply, Mr. Miller, or your counsel, if you</p> <p>20 know, is there any other individual who can</p> <p>21 appear at a meeting of creditors such as</p> <p>22 this and answer questions regarding the</p> <p>23 assets, operations, and finances of the</p> <p>24 debtors?</p> <p>25 MR. THOMPSON: May I confer with my client?</p>
<p style="text-align: right;">Page 27</p> <p>1 statement, sir.</p> <p>2 MR. THOMPSON: Given that I asked for that</p> <p>3 transparency in conversations that I had</p> <p>4 leading up to this meeting, we could have</p> <p>5 gotten a lot further if we had it.</p> <p>6 ASSISTANT TRUSTEE ROBERTS: I do want to ask</p> <p>7 one question, if I may. Mr. Thompson, you</p> <p>8 are here, and for the record would you, not</p> <p>9 your client, would you please clarify whom</p> <p>10 you represent?</p> <p>11 MR. THOMPSON: Solely Mr. Miller. I do not</p> <p>12 represent the 5 Star companies in any way.</p> <p>13 ASSISTANT TRUSTEE ROBERTS: Thank you.</p> <p>14 Mr. Jonas, please proceed.</p> <p>15 MR. THOMPSON: To further clarify, I didn't</p> <p>16 advise the filing of this bankruptcy or the</p> <p>17 seeking of the protection. I was brought</p> <p>18 into this case after it initiated for a</p> <p>19 different purpose because of the</p> <p>20 inefficiency of the proceedings, so and my</p> <p>21 client's problems with retaining (inaudible)</p> <p>22 counsel.</p> <p>23 ASSISTANT TRUSTEE ROBERTS: Thank you.</p> <p>24 Mr. Jonas.</p> <p>25 Q. (By Mr. Jonas) Thank you. Mr. Miller, your</p>	<p style="text-align: right;">Page 29</p> <p>1 MR. ADELSPERGER: Yes, you may.</p> <p>2 MR. THOMPSON: Thank you.</p> <p>3 THE WITNESS: I'm not sure to be honest with</p> <p>4 you.</p> <p>5 MR. ADELSPERGER: Thank you.</p> <p>6 THE WITNESS: Yeah.</p> <p>7 MR. KOS: May I?</p> <p>8 MR. ADELSPERGER: Yes.</p> <p>9 EXAMINATION OF EARL D. MILLER</p> <p>10 BY MR. KOS:</p> <p>11 Q. Mr. Miller, I'm going to make certain assumptions</p> <p>12 before I start asking you questions. I'm going</p> <p>13 to first assume that you've been fully advised by</p> <p>14 your counsel what the consequences of taking the</p> <p>15 Fifth Amendment are.</p> <p>16 ASSISTANT TRUSTEE ROBERTS: Just a moment.</p> <p>17 Can you identify yourself for the record?</p> <p>18 MR. KOS: Ed Kos. Excuse me. Ed Kos. I'm</p> <p>19 an attorney for Trustee Adelsperger.</p> <p>20 ASSISTANT TRUSTEE ROBERTS: Thank you.</p> <p>21 Q. I'm going to assume that you've been fully</p> <p>22 advised of the consequences of taking the Fifth</p> <p>23 Amendment.</p> <p>24 MR. THOMPSON: May I?</p> <p>25 Q. And further --</p>

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<p style="text-align: right;">Page 30</p> <p>1 MR. KOS: I haven't asked the question yet. 2 I'm making certain assumptions on the record 3 so that he understands them, and the 4 question will be -- 5 Q. (By Mr. Kos) But you understand that the 6 testimony that you do not give, and when you 7 exercise that right to the Fifth Amendment, can 8 be used as an inference in a civil action against 9 you that can be then used with some corroborating 10 evidence to, in fact, resolve issues of fact in 11 the matters that might be brought against you. 12 I'm also going to assume that you understand 13 that the questions that I ask are going to lock 14 your testimony in forever. You're going to be 15 making this waiver or this exercise of the Fifth 16 Amendment, and that you can waive it at a later 17 date, but it may not be to your benefit to do so. 18 And with that said, sir, my question to you: 19 You intended to, in fact, defraud the investors 20 of the 5 Star entities? Did you intend to 21 defraud the investors of the 5 Star entities? 22 MR. THOMPSON: Let me interject a couple of 23 comments. 24 MR. KOS: You're not asked the question, 25 Mr. Thompson. I asked --</p>	<p style="text-align: right;">Page 32</p> <p>1 the affairs, the financial affairs, the 2 condition of the debtors, the information in 3 the schedules in a voluntarily filed 4 bankruptcy case, 11 cases, which are pending 5 before the United States bankruptcy code -- 6 of the northern bankruptcy court of the 7 United States District Court -- of the 8 Northern District of Indiana. And, and you 9 are not allowed to answer on behalf of your 10 client. 11 MR. THOMPSON: I'm not attempting to. 12 ASSISTANT TRUSTEE ROBERTS: Mr. Kos is 13 permitted, as counsel for the trustee, to 14 ask questions. He asked a question of 15 Mr. Miller. I'm going to ask him to repeat 16 that question. It is a question that 17 pertains to the affairs, the operations of 18 the debtors prepetition. 19 Mr. Kos, please repeat your question. 20 Q. (By Mr. Kos) Yeah. Mr. Miller, as an officer of 21 5 Star -- of the various 5 Star entities, was 22 your intention to defraud the investors that lent 23 money to the 5 Star entities? 24 A. I plead the Fifth. 25 Q. Mr. Miller, was it your intention to misuse the</p>
<p style="text-align: right;">Page 31</p> <p>1 MR. THOMPSON: You're making commentary that 2 is leading to my client, as were 3 questions -- my client is not an attorney. 4 He doesn't understand the scope of the Fifth 5 Amendment as it applies to him personally 6 versus a corporate entity. I don't 7 represent the corporations. To my 8 knowledge, he hasn't had anyone advising him 9 of the corporations' Fifth Amendment rights 10 or lack thereof. Number one. 11 With respect to inferences, you know, by 12 all means in a civil case, that's why we 13 have this problem right now. He clearly has 14 no assets to pay anything anyway, so let's 15 move forward with what's real. 16 ASSISTANT TRUSTEE ROBERTS: Mr. Thompson, 17 we're in a bankruptcy proceeding and whether 18 Mr. Earl Miller has individual assets or not 19 is not relevant necessarily to the -- 20 MR. THOMPSON: He's been asked about them on 21 the record. 22 ASSISTANT TRUSTEE ROBERTS: Right. It's the 23 right of the United States Trustee, the 24 trustee, and creditors under Section 341 of 25 the bankruptcy code to ask questions about</p>	<p style="text-align: right;">Page 33</p> <p>1 funds lent to the -- I should rephrase that. 2 Mr. Miller, was it your intention to misuse 3 the funds that were entrusted to you by the 4 investors of 5 Star entities? 5 MR. THOMPSON: May my client confer with me 6 briefly? 7 MR. KOS: No. 8 MR. THOMPSON: You're telling my client that 9 he can't confer with counsel? 10 MR. KOS: My question has been asked. 11 MR. ADELSPERGER: The question's been asked. 12 MR. THOMPSON: Well, I was going to ask that 13 before the trustee instructed him to reask 14 the question, the preceding question that 15 was asked. And she told him to ask the 16 question, so we've not had an opportunity -- 17 ASSISTANT TRUSTEE ROBERTS: If you would 18 like to take a five-minute break to confer 19 with your client, you may take a five-minute 20 break, confer with your client, then come 21 back, and Mr. Kos will proceed with his 22 questions. 23 MR. THOMPSON: Okay. Thank you. 24 (Break in audio recording) 25 ASSISTANT TRUSTEE ROBERTS: We're back on</p>

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<p style="text-align: right;">Page 34</p> <p>1 the record. This is the 341 meeting for the 2 5 Star Chapter 11 cases. 3 Mr. Miller, you did indeed swear to the 4 oath earlier. Just to remind you, your oath 5 is continuing. You are under penalties of 6 perjury, and I'm now going to take questions 7 from individual creditors. 8 Please raise your hand if you would like 9 to ask a question and you have not 10 previously asked a question at the initial 11 341 meeting. That's any individual 12 creditor. Sir. 13 UNIDENTIFIED VOICE: I'm representing an 14 individual creditor. May I ask questions on 15 his behalf? 16 ASSISTANT TRUSTEE ROBERTS: Yes, you may. 17 MR. ADELSPERGER: Identify. 18 ASSISTANT TRUSTEE ROBERTS: If you would, if 19 you would come up, you can state your name 20 for the record and identify the name of your 21 client and what his claim is against 22 whichever debtor it is. Say whichever 23 debtor it is that he has a claim against, 24 and then proceed with your questions. 25 MR. FISHER: My name is Matt Fisher. I'm</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. It's a home. Do you own that home? 2 A. No. 3 Q. Do you rent that home? 4 A. I'm going to be pleading the Fifth. 5 Q. Okay. 6 ASSISTANT TRUSTEE ROBERTS: Can you all 7 speak up, please? 8 THE WITNESS: Sorry. 9 ASSISTANT TRUSTEE ROBERTS: For the record. 10 Thank you. 11 Q. (By Mr. Fisher) All right. Second, are there any 12 investor funds that were directed toward 5 Star 13 entities that are not included in today's 14 bankruptcy proceeding? 15 A. I plead the Fifth. 16 Q. Okay. Do you currently have an active source of 17 income that allows you to afford living in the 18 domicile that you previously listed? 19 A. I plead the Fifth. 20 Q. Where -- do you have personal bank accounts, and 21 where are those personal bank accounts located in 22 terms of their state or the bank? 23 MR. THOMPSON: Is this within the scope of 24 the examination for the 5 Star companies? 25 MR. FISHER: Our argument is that there's a</p>
<p style="text-align: right;">Page 35</p> <p>1 representing Mr. William Adamczyk, his 2 claims against a number of the 5 Star 3 entities that are included in the 4 bankruptcy. We have a couple of questions 5 if that's all right. 6 EXAMINATION OF EARL D. MILLER 7 BY MR. FISHER: 8 Q. First, Mr. Miller, what is your current domicile 9 address, where you currently reside? 10 A. New address is P.O. Box 573, and it's in Woodland 11 Park, Colorado. 12 Q. Okay. 13 A. The ZIP code is 80866. 14 Q. Okay. And where do you currently reside? Where 15 do you fall asleep? 16 A. My home address? Okay. Yeah. 697 Northwestern 17 Place. You want to write it down or -- 18 Q. I can trust the transcript. 19 A. Okay. Northwestern Place, and it's Woodland 20 Park, 80863. 21 Q. Okay. 22 A. Yeah. 23 Q. And do you own that home? Do you -- or is it a 24 home? Is it an apartment? 25 A. Yeah, it's a home.</p>	<p style="text-align: right;">Page 37</p> <p>1 possible intermixing of assets between 2 corporate and personal. 3 ASSISTANT TRUSTEE ROBERTS: Okay. Then I 4 would say, yes, it is. Proceed. 5 A. I plead the Fifth. 6 MR. FISHER: Okay. That's all. Thank you. 7 ASSISTANT TRUSTEE ROBERTS: Thank you. 8 Anyone else who would like to ask questions? 9 Come up. Please state your name for the 10 record. 11 MR. SWARTZ: Samuel Swartz. 12 EXAMINATION OF EARL D. MILLER 13 BY MR. SWARTZ: 14 Q. In May of 2015 or June of 2015, May or June -- 15 MR. THOMPSON: Please state your claim as a 16 creditor. Which company do you have a claim 17 against? 18 MR. SWARTZ: Well, I'm committee. 19 UNIDENTIFIED MALE VOICE: He's a member of 20 the committee. 21 MR. THOMPSON: Okay. That's fine. 22 (Indiscernible cross talk) 23 Q. (By Mr. Swartz) In June of 2015, I put 125,000 24 into a promissory note in Commercial. Then on 25 July of '15, you already locked everything up.</p>

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<p style="text-align: right;">Page 38</p> <p>1 What did you do with all that money when you</p> <p>2 closed up the entity that you hadn't put it into?</p> <p>3 A. I plead the Fifth.</p> <p>4 Q. Okay. We'll get an answer someday.</p> <p>5 ASSISTANT TRUSTEE ROBERTS: Next person.</p> <p>6 Anyone else? Come forward. State your name</p> <p>7 for the record, ma'am.</p> <p>8 MS. ANDREWS: I'm Karen Andrews. I'm an</p> <p>9 investor as well as on the unsecured</p> <p>10 creditors committee.</p> <p>11 EXAMINATION OF EARL D. MILLER</p> <p>12 BY MS. ANDREWS:</p> <p>13 Q. I would like to ask, Earl, at what point in time</p> <p>14 did you, representing 5 Star, knowingly begin to</p> <p>15 put more investment money into a mortgage than</p> <p>16 the property was worth?</p> <p>17 A. I plead the Fifth.</p> <p>18 Q. And do you wish to use your personal investments</p> <p>19 and personal finances to pay back people who have</p> <p>20 invested and have lost money?</p> <p>21 A. I plead the Fifth.</p> <p>22 ASSISTANT TRUSTEE ROBERTS: Anyone else?</p> <p>23 Please, sir.</p> <p>24 MR. HEIGHT: My name's Steve Height.</p> <p>25</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. My clients obtained real estate mortgages for</p> <p>2 money loaned on properties purchased in St.</p> <p>3 Joseph County in South Bend. Did 5 Star</p> <p>4 Investment Group II, LLC, ever obtained more</p> <p>5 mortgages on those properties in South Bend than</p> <p>6 the properties were worth?</p> <p>7 A. I plead the Fifth.</p> <p>8 ASSISTANT TRUSTEE ROBERTS: Anyone else?</p> <p>9 MR. BAKER: I'm Stan Baker.</p> <p>10 EXAMINATION OF EARL D. MILLER</p> <p>11 BY MR. BAKER:</p> <p>12 Q. I just had a question here. I've been invested</p> <p>13 since 2012 in several different entities, and I'm</p> <p>14 not sure where my money is at the present. I was</p> <p>15 in Oregon. I did, the end of May, switch to TC</p> <p>16 Commercial. At that time I did receive a</p> <p>17 promissory note stating the 304 (inaudible)</p> <p>18 Middlebury, and then I got a private placement</p> <p>19 memorandum from TC Commercial, which is a North</p> <p>20 Carolina limited liability company.</p> <p>21 Can you tell me the address for that North</p> <p>22 Carolina limited liability company?</p> <p>23 A. I'm going to answer this one. The TC Commercial</p> <p>24 is the one that owned Twin City. There's -- I</p> <p>25 want to answer all the questions, but because of</p>
<p style="text-align: right;">Page 39</p> <p>1 EXAMINATION OF EARL D. MILLER</p> <p>2 BY MR. HEIGHT:</p> <p>3 Q. I have invested in 5 Star Portland, whatever that</p> <p>4 involves. I don't think we've ever met. We've</p> <p>5 spoken on the phone, and I think it was September</p> <p>6 of 2015. Many of the questions I have, have</p> <p>7 already been asked, and you're pleading the</p> <p>8 Fifth, and I appreciate that. But you made a</p> <p>9 statement to me at that time that you were going</p> <p>10 to do everything in your power to get my money</p> <p>11 back.</p> <p>12 May I ask you, what are you doing to get my</p> <p>13 money back?</p> <p>14 A. I plead the Fifth.</p> <p>15 Q. Thank you.</p> <p>16 MR. RILEY: My name is Christopher Riley.</p> <p>17 I'm an attorney for creditors James Miller</p> <p>18 and Joe Miller. And they have filed proofs</p> <p>19 of claim against 5 Star Investment Group II,</p> <p>20 LLC.</p> <p>21 EXAMINATION OF EARL D. MILLER</p> <p>22 BY MR. RILEY:</p> <p>23 Q. Mr. Miller, were you ever an officer of 5 Star</p> <p>24 Investment Group II, LLC?</p> <p>25 A. I plead the Fifth.</p>	<p style="text-align: right;">Page 41</p> <p>1 the nature of today, I'm pleading the Fifth. So</p> <p>2 just so you know, I want to answer questions; but</p> <p>3 I'm pleading the Fifth today because of the</p> <p>4 nature of where we're at.</p> <p>5 But to answer your question there, had we</p> <p>6 been allowed to execute -- your money went to</p> <p>7 Twin City. Had we been allowed to execute, you</p> <p>8 would today have ownership in that property.</p> <p>9 It's a great property. We had a bunch of money</p> <p>10 in escrow for rehab, but we were not allowed to</p> <p>11 execute. And so it's been -- unfortunately the</p> <p>12 trustee has lost it. So I apologize.</p> <p>13 Q. So TC Commercial --</p> <p>14 A. Yes.</p> <p>15 Q. -- is an entity of Twin City?</p> <p>16 A. Yeah. Yes. It has ownership in Twin City. We</p> <p>17 brought the notes. We recognized we should have</p> <p>18 it in subscription agreements and operating</p> <p>19 agreements. We had everything drawn up, ready to</p> <p>20 switch over, and then we were not allowed to</p> <p>21 execute unfortunately. So when -- I really,</p> <p>22 really care about you investors. I really do.</p> <p>23 Unfortunately, my hands are tied, so...</p> <p>24 Q. There -- I've got another question that I'd like</p> <p>25 to state. Mike Alfrey was who I was dealing with</p>

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<p style="text-align: right;">Page 42</p> <p>1 on this; and when I went from Portland to this TC 2 Commercial, TC Commercial I understand is not 3 in -- the way I look at it in a bankruptcy that I 4 see an entity behind, I own some property in -- 5 out west, and I stated that I was going to 6 roll -- possibly sell that property. And Mike 7 Alfrey did state at that time that he might 8 personally be interested in buying that property. 9 And at that time he told me that you might be 10 interested in putting up -- you were looking into 11 putting up a hurricane-resistant, 12 tornado-resistant, and I think he said 13 earthquake-resistant home as a show place or 14 model home or whatever.</p> <p>15 I don't -- I never talked to you personally, 16 but that was brought up in our conversation. So 17 I'm just, you know, I'm just trying to dig up a 18 little bit. Where is our money? Where is --</p> <p>19 A. I have to plead the Fifth.</p> <p>20 Q. All right. Thank you.</p> <p>21 MR. ADELSPERGER: If I may, this may be an 22 appropriate time just so that the record is 23 straight for me to comment. You may be 24 seated because I'm going to take a moment 25 here.</p>	<p style="text-align: right;">Page 44</p> <p>1 were originally filed, the debtors were not 2 completely forthcoming regarding the 3 information about Twin City. On the 5 Star 4 Commercial bankruptcy schedules, the debtors 5 did not list that 5 Star Commercial, LLC, 6 had an ownership in the Twin City Townhomes. 7 Because the schedules list a fairly large 8 receivable due from Twin City Townhomes and 9 because the proofs of claim that were filed 10 in the end of April and beginning of May 11 suggested that 5 Star Commercial may, in 12 fact, have an ownership interest in the Twin 13 City Apartments, my legal team and I began 14 investigating the matter.</p> <p>15 Upon interviews conducted by myself and 16 my counsel, we learned that Mr. Miller 17 either individually, through one or more of 18 the debtors or a trust or on a nonfiling 5 19 Star entity, purchased an apartment complex 20 in Winston-Salem, North Carolina, known as 21 Twin City Townhomes sometime in the summer 22 of 2015. We were not given any information 23 or documentation reflecting whether or not 24 the complex was owned outright by 25 Mr. Miller, by an entity owned by</p>
<p style="text-align: right;">Page 43</p> <p>1 With regard to TC and Twin Cities, and 2 this is the second time on the record that 3 my efforts have been questioned with regard 4 to this bankruptcy. And it's the third time 5 that I am aware of that my efforts have been 6 questioned with regard to this bankruptcy 7 with regard to TC.</p> <p>8 Specifically, some of you in this 9 audience, and maybe all of you, I don't 10 really care to know, but maybe you have 11 received an e-mail on October 24, 2016, from 12 a gentleman by the name of Bob Sutter that 13 said a number of things. And I'm going to 14 take this opportunity to read through a 15 prepared statement that I have, and it was 16 prepared on the possibility that we would 17 stumble back into this particular issue.</p> <p>18 Some of you who are here today may have 19 received an e-mail correspondence from Bob 20 Sutter regarding Twin City Townhomes. I 21 would like to clear up some of the 22 misinformation that was provided in that 23 e-mail and also give you an update with 24 regard to Twin City Townhomes.</p> <p>25 When the bankruptcy cases, 11 in all,</p>	<p style="text-align: right;">Page 45</p> <p>1 Mr. Miller, or by one of the 5 Star entities 2 in bankruptcy or not in bankruptcy.</p> <p>3 We, my team and I, ordered title work and 4 learned that the complex had been purchased 5 in July of 2015 for \$7.5 million, right 6 around the same time that the SEC began its 7 investigation of Mr. Miller and 5 Star. 8 Although the title work showed that the 9 owner was an Indiana LLC and that there was 10 a mortgage on the property for about 11 \$7.1 million, the title work did not show 12 who owns the LLCs, whether the investor 13 money was used to purchase Twin Cities, or 14 whether any of the money of the debtor 15 entities was used to purchase Twin Cities. 16 Accordingly, I instructed my legal counsel 17 to serve several subpoenas to obtain 18 information of the owners of Twin City and 19 details of the purchase of Twin City.</p> <p>20 Counsel served those subpoenas on 5 Star 21 Management Solution, LLC, care of Norman D. 22 Praet, an attorney in North Carolina, and TC 23 Commercial, LLC, in care of Norman Praet. 24 Mr. Praet did not immediately respond to 25 those subpoenas.</p>

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<p>Page 46</p> <p>1 On June 13th of 2016, Mr. Miller filed a 2 statement of confession in the SEC matter 3 stating that he was willing to cooperate, 4 but he failed to provide the requested 5 documents or provide any explanation 6 whatsoever of the structure of the ownership 7 of Twin City and the detail of sale. We, my 8 team and I, continued to pursue avenues to 9 obtain information regarding the fund that 10 has been utilized to purchase Twin Cities. 11 My counsel contacted Kim Taylor, legal 12 counsel for the other apartment complexes 13 associated with this case; Kim Bruggeman, 14 the person supposedly managing the Twin City 15 Townhomes; and Mr. Praet. In addition, my 16 counsel spoke to an individual who asked to 17 be named -- to be kept confidential and 18 learned that the complex was in bad repair, 19 the target of numerous zoning and hazardous 20 health violations, and subject to several 21 lawsuits. 22 In early August, we learned that the 23 mortgage was in default and that U.S. Bank 24 had commenced a lawsuit and was asking for 25 the appointment of a receiver. My counsel</p>	<p>Page 48</p> <p>1 documents were not immediately provided. An 2 offer was never made. The bank was going to 3 push forward with the appointment of a 4 receiver. Lawsuits were continued to be 5 filed, and the additional health and zoning 6 violations were pursued. 7 A receiver was appointed, and we made the 8 decision not to utilize this bankruptcy's 9 estate fund to fight an appointment of a 10 receiver. On September 19th of 2016, we 11 finally received documents from Mr. Praet. 12 Among the documents was a trust instrument 13 created by Mr. Miller and a Mr. Marlin 14 Schwartz known as Southern Equity Group 15 Trust. I'm sorry. Southern Equity Group 16 Living Trust. The governance documents of 17 the Twin City Winston-Salem, LLC, were also 18 received. Those documents reflect that the 19 Southern Equity Group Trust owns 90 percent 20 of the Twin City Winston-Salem, LLC, and 21 that 5 Star Commercial only had a 5 percent 22 interest. 23 On September 15, 2016, we finally 24 received the investor list. That list 25 disclosed close to \$2 million in investments</p>
<p>Page 47</p> <p>1 contacted Mrs. Bruggeman about this lawsuit. 2 Mrs. Bruggeman represented that a Mr. Carl 3 Withers; a Mr. Babenco; and a Mr. Kuatt, 4 K-U-A-T-T, if I'm not pronouncing that 5 correct; and herself were going to make an 6 offer to purchase the apartment complex that 7 would pay off the bank and protect investor 8 money. 9 My counsel requested that Mrs. Bruggeman 10 provide my counsel with a list of the 11 investors and the financial information, 12 including rent rolls, balance sheet, income, 13 and expense statements. In addition, my 14 counsel requested that Mrs. Bruggeman 15 provide documents reflecting the ownership 16 structure of Twin Cities, LLC. 17 To avoid the immediate appointment of a 18 receiver, I hired a lawyer in North Carolina 19 to appear in the action filed by the bank 20 and to buy some time to allow 21 Mrs. Bruggeman's group to make the offer. 22 The bank was asked for -- the bank was 23 asking for several documents from 24 Mrs. Bruggeman and agreed to stand down 25 until the documents were received. The</p>	<p>Page 49</p> <p>1 that were apparently earmarked for Twin 2 Cities. We also received a closing 3 statement when Twin City Townhome was 4 purchased and learned that 1.4 million in 5 cash was contributed to purchase the 6 apartment complex in July of 2015. 7 You may have heard from certain 8 individuals involved in this case that the 9 apartment building was not successful 10 because the SEC froze the bank account. We 11 have not been able to find any evidence that 12 there was any account or substantial cash 13 earmarked to pay any operating expenses of 14 Twin City. What we have learned is that the 15 U.S. Bank was holding approximately \$600,000 16 in a repair account. In order to access 17 that account, Twin City had to actually make 18 repairs and ask for reimbursement from the 19 bank. From day one, Twin City did not have 20 enough money to make repairs and receive 21 reimbursement from the bank. It is unclear 22 why Twin Cities did not have operating 23 capital. 24 If you recall during our last meeting, 25 Ms. Caruso asked Mr. Miller if he raised</p>

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<p style="text-align: right;">Page 50</p> <p>1 \$2 million for Twin Cities and \$1.4 million 2 was paid at closing, then where did that 3 600,000 go? Why did Twin Cities not have 4 any operating funds? Because Twin Cities 5 could not perform the repairs and the 6 property became in disrepair, the vacancy 7 rate increased, rents became delinquent. 8 Twin City became in default of its 9 obligations to its vendors and U.S. Bank. 10 An independent receiver is now in place 11 managing Twin Cities. Ms. Bruggeman, 12 Mr. Babenco, Mr. Withers, and Mr. Kuatt are 13 free to make an offer to the receiver to buy 14 that complex if they so choose. The 15 receiver reports that the lender is 16 releasing moneys now to make rehab of the 17 apartments on an as-needed basis to fill 18 vacancies. The receiver has rented eight 19 refurbished apartments and eight more are in 20 the works. The receiver further reports 21 that Twin City of Winston-Salem was not 22 paying its vendors and approximately 23 \$200,000 is owed to these vendors. It is 24 also uncertain whether the bank will 25 continue to advance money for tenant</p>	<p style="text-align: right;">Page 52</p> <p>1 Twin City, the ownership on the deed for that 2 property is Twin City of Winston-Salem, LLC, an 3 Indiana limited liability company. Are you the 4 owner of that limited liability company? 5 A. I plead the Fifth. 6 Q. The Secretary of State -- would it surprise you 7 that the records of the Secretary of State show 8 that you are the 100 percent owner of the -- of 9 that LLC that owns the North Carolina property? 10 A. I plead the Fifth. 11 Q. Mr. Miller, Southern Equity Group Trust, from the 12 closing statement, doesn't show that it paid any 13 money at the closing. Why does Southern Equity 14 Group Trust have a 95 percent interest in that 15 management company and the operation of the 16 property? 17 A. I plead the Fifth. 18 Q. Isn't it true, Mr. Miller, that the \$1.9 million 19 that was raised for the purchase of Twin Cities 20 came from 5 Star investors? 21 A. I plead the Fifth. 22 Q. Isn't it true, Mr. Miller, that when you raised 23 the money from the 5 Star investors, you intended 24 to defraud them? 25 A. That is not true, sir. I wouldn't defraud</p>
<p style="text-align: right;">Page 51</p> <p>1 improvement. It is also uncertain whether 2 the bank will push forward with foreclosure 3 action to allow the receiver to continue to 4 manage these townhomes. 5 That's my report with respect to this. 6 If you have specific questions with regard 7 to this issue, I would suggest that you 8 e-mail them to me so that I can get them to 9 my counsel who knows the answers or are 10 working on the answers. Danger happens, 11 people, when you go outside of these 12 meetings to try to get your information. 13 That's my statement. 14 ASSISTANT TRUSTEE ROBERTS: Thank you, 15 Trustee Adelsperger. And I'm going to now 16 ask if anyone else in the -- any other 17 individual creditors would like to step 18 forward to ask questions of Mr. Miller. 19 Okay. So seeing none, I'm going to ask 20 Mr. Kos to continue with such questions as 21 he has. 22 EXAMINATION OF EARL D. MILLER 23 BY MR. KOS: 24 Q. Mr. Miller, we've just heard a little bit about 25 Twin Cities, so I'll start there. With regard to</p>	<p style="text-align: right;">Page 53</p> <p>1 investors intentionally. 2 Q. Please explain. I think you've just waived 3 your -- please give a full answer how you, how 4 you didn't intend to defraud the investors when 5 you set up all these multiple layers of ownership 6 and that the benefit for the property, ownership 7 of that property fell to you personally or to a 8 trust in which you and Marlin Schwartz were 9 owners? 10 A. The investor money was raised in notes, 11 promissory notes. It was as debt. The same 12 thing -- the way houses were. And our goal was 13 to switch it over and give them ownership. 14 Simple as that. That's what our goal was, but we 15 weren't allowed to execute. 16 Q. There was nothing in the SEC that had any action 17 against the Twin Cities -- they didn't even know 18 about it. 19 A. It was mentioned in the first 341 conference and 20 I, and I -- what Adelsperger said was in the 21 first 341 conference I specifically mentioned I 22 will do whatever I need to do to switch over Twin 23 City and all the investors and get them 24 ownership. And I explained what we were doing. 25 You can go back and listen to it. But my</p>

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<p>1 intention was not to defraud investors in Twin 2 City, and I'm being very straightforward here. 3 Q. So is your testimony today that, in fact, the 4 \$1.9 million that was raised for 5 Star -- from 5 5 Star investors, in fact, gives them the ownership 6 of Southern Equity Group Trust, gives them the 7 ownership of the property in Winston-Salem, North 8 Carolina, and all of the intervening levels of 9 management? 10 A. I plead the Fifth on that, yeah. It's not 11 specific. 12 Q. Mr. Miller, have you had communications with Kim 13 Bruggeman after the time that the Chapter 11 14 bankruptcies were filed? 15 A. I plead the Fifth. 16 Q. Is Kim Bruggeman a partner of yours? 17 A. I plead the Fifth. 18 Q. Are you aware of Kim Bruggeman paid herself 19 considerable fees from the management and 20 operation of Twin Cities apartments? 21 A. I plead the Fifth. 22 Q. Are you aware, Mr. Miller, that the Twin Cities 23 obligations to U.S. Bank were paid through June 24 of 2016? 25 A. I plead the Fifth.</p>	<p>1 person, not your lawyer, concerning this property 2 in North Carolina? 3 A. I plead the Fifth. 4 Q. Mr. Miller, isn't it true that you made 5 misrepresentations to the 5 Star investors 6 concerning their investments in this North 7 Carolina property? 8 A. I plead the Fifth. 9 Q. Did you represent to those investors that they 10 were, in fact, getting ownership of the North 11 Carolina property? 12 A. I plead the Fifth. 13 Q. Isn't it true, Mr. Miller, you didn't put any of 14 your own money into the investment in the North 15 Carolina property? 16 A. I plead the Fifth. 17 Q. Isn't it true, Mr. Miller, you have not put any 18 of your own money into any of the investments 19 being held by 5 Star investment? 20 A. I plead the Fifth. 21 Q. Isn't it true, Mr. Miller, that you also received 22 compensation that's not been disclosed? 23 A. I plead the Fifth. 24 Q. Mr. Miller, isn't it also true that you made 25 misrepresentations to the investors that invested</p>
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<p>1 Q. Are you aware that after June of 2016, Kim 2 Bruggeman failed to collect rents from the 3 tenants of this apartment complex? 4 A. I plead the Fifth. 5 Q. Do you have any communications with Kim Bruggeman 6 concerning the lawsuit that's been filed by U.S. 7 Bank? 8 A. I plead the Fifth. 9 Q. Have you had any communications with Carl Withers 10 concerning this property in North Carolina? 11 A. I plead the Fifth. 12 Q. Have you had any communications with Ed Babenco 13 concerning this property in North Carolina? 14 A. I plead the Fifth. 15 Q. Have you had any communications with Alan Kuatt 16 concerning this property in North Carolina? 17 A. I plead the Fifth. 18 Q. Mr. Praet, have you had communications with him? 19 A. I plead the Fifth. 20 Q. Have you had communications with Kim Taylor? 21 A. I plead the Fifth. 22 Q. Have you had any communications with Bob Sutter 23 concerning this property in North Carolina? 24 A. I plead the Fifth. 25 Q. Have you had any communications with any other</p>	<p>1 in properties in Portland, Oregon? 2 A. I plead the Fifth. 3 Q. Mr. Miller, did you invest any of your personal 4 money in the properties in Portland, Oregon? 5 A. I plead the Fifth. 6 Q. Mr. Miller, did you invest any of your money into 7 the properties that are found here in northern 8 Indiana? 9 A. I plead the Fifth. 10 Q. Isn't it true, Mr. Miller, as early in 2015, you 11 and others in 5 Star were well aware that the 12 Indiana properties were at least a million 13 dollars under water? 14 A. I plead the Fifth. 15 Q. Isn't it true, Mr. Miller, in 2015 you, you gave 16 instructions to your employees in an attempt to 17 sell that portfolio of properties? 18 A. I plead the Fifth. 19 Q. Isn't it true, Mr. Miller, that in 2015 and 20 thereafter, when properties in northern Indiana 21 were sold, you had to bring funds to the closings 22 because the properties were underwater? 23 A. I plead the Fifth. 24 Q. Mr. Miller, isn't it true that you accepted funds 25 from investors in 2015 to pay investors who had</p>

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<p>1 been -- who had loaned money to 5 Star entities 2 before their investments? I'll withdraw that. 3 I'll rephrase it for you. 4 Isn't it true, Mr. Miller, that you used 5 later investment money to pay the dividends to be 6 paid to earlier investors? 7 A. I plead the Fifth. 8 Q. Mr. Miller, isn't it true that you made 9 intercompany transfers to hide your efforts to 10 defraud the investors? 11 A. I plead the Fifth. 12 Q. Isn't it true, Mr. Miller, that you accepted 13 funds from Marlin Schwartz for ownership interest 14 in the 5 Star entities? 15 A. I plead the Fifth. 16 Q. Isn't it true, Mr. Miller, that Marlin Schwartz 17 is no longer an owner of 5 Star -- of any of the 18 5 Star entities? 19 A. I plead the Fifth. 20 Q. Isn't it true, Mr. Miller, that you passed or, 21 well, paid Mr. Schwartz money for his interest so 22 that he would not be an interest when these 23 bankruptcies were filed? 24 A. I plead the Fifth. 25 Q. Mr. Miller, is it true that you made donations on</p>	<p>1 \$15,000? 2 A. I don't know. I don't know what you're talking 3 about. 4 Q. You don't know anything about the transfer to 5 Servants of the Streets? 6 A. No. 7 Q. Do you know who would? 8 A. Matt would. 9 Q. Matt would? 10 A. Yeah. 11 Q. And how would Matt know? 12 A. I think he was the one that sold it to them. 13 Q. And did Mr. Zercher prepare the paperwork for 14 that transfer? 15 A. I have no idea. 16 MR. ADELSPERGER: For the record, Matt 17 Gingerich? 18 THE WITNESS: Yes. 19 MR. ADELSPERGER: Thank you. 20 Q. (By Mr. Kos) Mr. Miller, have you made fraudulent 21 transfers of property or money to any other 22 person? 23 A. Not that I'm aware of, no. 24 Q. Mr. Miller, can you tell us about South Fork 25 Harvester and the property that it owns in</p>
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<p>1 behalf of the 5 Star entities to Z Ministries for 2 which there was no consideration given by Z 3 Ministries? 4 A. I plead the Fifth. 5 Q. Is it true, Mr. Miller, that over a hundred 6 thousand dollars of investor money was 7 transferred from 5 Star entities to Z Ministries? 8 A. I plead the Fifth. 9 Q. Mr. Miller, is it true that you sold on land 10 contract a property in Indiana to Servants of the 11 Streets? 12 A. I plead the Fifth. 13 Q. Isn't it true, Mr. Miller, that you sold that 14 property for less than its true fair value? 15 A. I plead the Fifth. 16 Q. Isn't it true, Mr. Miller, that you made a 17 fraudulent transfer by reducing that purchase 18 price by giving them a \$10,000 credit as a, 19 quote, charitable donation? 20 A. I don't know what you're talking about to be 21 honest with ya. 22 Q. Mr. Miller, did you sell the property to Servants 23 of the Streets for \$25,000, of which 10,000 was 24 paid by a \$10,000 donation by the 5 Star 25 entities, resulting in a net purchase price of</p>	<p>1 Goshen, Indiana? 2 A. I plead the Fifth. 3 Q. It's going to take awhile. I have a lot of 4 folders to go through. 5 A. Yeah. 6 Q. Mr. Miller, are you the owner of National Real 7 Estate Group, LLC? 8 A. I plead the Fifth. 9 Q. Mr. Miller, are you the owner of Mountain View 10 Holdings Trust? 11 A. I plead the Fifth. 12 Q. Mr. Miller, are you the owner of Multifamily 13 Holdings, LLC? 14 A. I plead the Fifth. 15 Q. Mr. Miller, are you the owner of A to Z Builders, 16 LLC? 17 A. I plead the Fifth. 18 Q. Are you the owner of Legacy Builders Trust? 19 A. I plead the Fifth. 20 Q. Artisan Builders, LLC? 21 A. I plead the Fifth. 22 Q. Mr. Miller, is it true that you created Mountain 23 View Holdings Trust to be the ultimate owner of 24 the various 5 Star entities? 25 A. I plead the Fifth.</p>

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<p>1 Q. Mr. Miller, is it true that you are an investor 2 in Green Resource Homes, Inc.? 3 A. I plead the Fifth. 4 Q. Mr. Miller, is it true that you have worked with 5 Julius Toth and Robert Foraker to defraud the 6 investors of 5 Star entities in your investments 7 in the Green Resource Homes, Inc.? 8 A. No, that is not true. 9 Q. Please explain. 10 A. I haven't intentionally defrauded the investors. 11 Q. Didn't you provide Toth and Foraker a large sum 12 of money for the purchase of real estate and for 13 the purchase of various inventory and various 14 supposedly eco-friendly products? 15 A. I did, but it was not with the intent to defraud. 16 Q. Oh, it just had that effect? Did they defraud 17 you? 18 A. Yes. 19 Q. Are you aware that the trustee has filed a 20 lawsuit trying to recover those funds that have 21 been defrauded by Mr. Toth and Mr. Foraker? 22 A. I was not. I'm glad to hear that. 23 Q. Are you willing to provide testimony to assist us 24 in the prosecution of that matter? 25 A. Yes.</p>	<p>1 A. I don't remember. 2 Q. Do you have paperwork? 3 A. No. 4 Q. Do you have documents concerning that transfer? 5 A. The server was taken. 6 Q. When was the -- when did that transfer occur? 7 A. I don't know. 8 Q. Was it in 2015? 9 A. I don't know. 10 Q. Mr. Miller, did 5 Star investors' money go into 11 Colonial Place Apartments? 12 A. I plead the Fifth. 13 Q. Mr. Miller, did 5 Star investor money go into 14 Ashley Park Apartments? 15 A. I plead the Fifth. 16 Q. Mr. Miller, did 5 Star investor money go into 17 Timber Hollow Apartments? 18 A. I plead the Fifth. 19 Q. Mr. Miller, did 5 Star investor money go into 20 Avalon Trace Apartments? 21 A. I plead the Fifth. 22 Q. Mr. Miller, did 5 Star investor money go into 23 Parkfairfax Apartments? 24 A. I plead the Fifth. 25 Q. Mr. Miller, did 5 Star investment money go into</p>
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<p>1 Q. Mr. Miller, is it true that 5 Star investor money 2 is -- was used to purchase Village Apartments of 3 Charleston, LLC? 4 A. I plead the Fifth. 5 Q. Mr. Miller, is it true that 5 Star investment 6 money has been used in Bedrock Management 7 Solutions, LLC? 8 A. No. 9 Q. All right. What money did go into Bedrock 10 Management Solutions, LLC? 11 A. None that I'm aware of. 12 Q. What does Bedrock Management Solutions own? 13 A. I don't think it owns anything. 14 Q. What does it do? 15 A. It manages Withers, Kuatt, and Babenco's 16 properties. 17 Q. Do you have an ownership interest with those 18 gentlemen you just named personally? Personally, 19 do you have an interest in Bedrock Management 20 Solutions? 21 A. I did, but I signed it over to them because I 22 went my own way and they went their way. So I 23 don't have -- that entity does not have any 24 assets. 25 Q. And when did you sign that interest over to them?</p>	<p>1 Ace Property Group, LLC? 2 A. I plead the Fifth. 3 Q. Mr. Miller, did 5 Star investment go into 4 Springmont Holdings, LLC? 5 A. I plead the Fifth. 6 Q. Mr. Miller, did 5 Star investor money go into 7 Avalon Trace Management, LLC? 8 A. I plead the Fifth. 9 Q. Mr. Miller, did 5 Star investment money go into 10 Trent Holdings Group, LLC? 11 A. I plead the Fifth. 12 Q. Mr. Miller, did 5 Star investor money go into 13 Fairfax Holdings, LLC? 14 A. I plead the Fifth. 15 Q. Mr. Miller, did 5 Star investment go into Avalon 16 Trace Holdings, LLC? 17 A. I plead the Fifth. 18 Q. Mr. Miller, did 5 Star investor money go into 19 Utah Holdings Group, LLC? 20 A. I plead the Fifth. 21 Q. Mr. Miller, did 5 Star investment money go into 22 Albion Premier Investments, LLC? 23 A. I plead the Fifth. 24 Q. Mr. Miller, did 5 Star investment money go into 25 Albion Premier Manager, LLC?</p>

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<p style="text-align: right;">Page 66</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Mr. Miller, what is 5 Star Investing?</p> <p>3 A. I plead the Fifth.</p> <p>4 Q. Mr. Miller, what is 5 Star Holdings, LLC?</p> <p>5 A. I plead the Fifth.</p> <p>6 Q. Mr. Miller, what is 5 Star Capital Fund, LLC?</p> <p>7 A. I plead the Fifth.</p> <p>8 Q. Mr. Miller, what is 5 Star Fund I, LLC?</p> <p>9 A. I plead the Fifth.</p> <p>10 Q. Mr. Miller, what is 5 Star Fund II, LLC?</p> <p>11 A. I plead the Fifth.</p> <p>12 Q. Mr. Miller, these last three entities that I just</p> <p>13 talked about were all created in 2015. Did 5</p> <p>14 Star investment money -- was it used for</p> <p>15 capitalization of those entities?</p> <p>16 A. I plead the Fifth.</p> <p>17 Q. Please explain, Mr. Miller, what was the purpose</p> <p>18 of Mountain View Holdings?</p> <p>19 A. I plead the Fifth.</p> <p>20 Q. Mr. Miller, what is Blue Eagle Ventures, LLC?</p> <p>21 A. I plead the Fifth.</p> <p>22 Q. Mr. Miller, did any 5 Star investor money go into</p> <p>23 Blue Eagle Ventures, LLC?</p> <p>24 A. I plead the Fifth.</p> <p>25 Q. Is that a Florida LLC, Mr. Miller?</p>	<p style="text-align: right;">Page 68</p> <p>1 transferred to GBS Fairway Management?</p> <p>2 A. I plead the Fifth.</p> <p>3 Q. Mr. Miller, has any 5 Star investor money been</p> <p>4 transferred to Golden Asset Management?</p> <p>5 A. I plead the Fifth.</p> <p>6 Q. Mr. Miller, has any 5 Star investor money been</p> <p>7 transferred to Sungate Apartments?</p> <p>8 A. I plead the Fifth.</p> <p>9 Q. Mr. Miller, has any 5 Star investor money been</p> <p>10 transferred to Seven Heavens, LLC?</p> <p>11 A. Plead the Fifth.</p> <p>12 Q. Mr. Miller, did you have any conversations or</p> <p>13 communications with Rudy Helmuth concerning the</p> <p>14 sale of property in Middlebury, Indiana, that</p> <p>15 occurred shortly after this bankruptcy was filed,</p> <p>16 which was a commercial property that we talked</p> <p>17 about at this previous --</p> <p>18 A. I plead the Fifth.</p> <p>19 Q. Who is Sarah Helmuth?</p> <p>20 A. I plead the Fifth.</p> <p>21 Q. Is Sarah Helmuth Rudy Helmuth's daughter?</p> <p>22 A. I plead the Fifth.</p> <p>23 Q. Is Sarah Helmuth a former employee of 5 Star?</p> <p>24 A. I plead the Fifth.</p> <p>25 Q. Is Sarah Helmuth the person that created the</p>
<p style="text-align: right;">Page 67</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Do you have any property in Bradenton, Florida?</p> <p>3 A. I plead the Fifth.</p> <p>4 Q. Does any of the 5 Star entities have property in</p> <p>5 Florida?</p> <p>6 A. I plead the Fifth.</p> <p>7 Q. Does any of the 5 Star entities have property in</p> <p>8 Texas?</p> <p>9 A. I plead the Fifth.</p> <p>10 Q. Does it have property -- does any of the 5 Star</p> <p>11 entities have properties in North Carolina?</p> <p>12 A. I plead the Fifth.</p> <p>13 Q. Does any of the 5 Star entities have properties</p> <p>14 in South Carolina?</p> <p>15 A. I plead the Fifth.</p> <p>16 Q. Does it have any property in any other state?</p> <p>17 A. I plead the Fifth.</p> <p>18 Q. Mr. Miller, does any 5 Star money -- any money</p> <p>19 from 5 Star investors -- was it transferred to GD</p> <p>20 as 5 Star Villa?</p> <p>21 A. I plead the Fifth.</p> <p>22 Q. Mr. Miller, has any 5 Star investor money been</p> <p>23 transferred to FireStar Group, LLC?</p> <p>24 A. I plead the Fifth.</p> <p>25 Q. Mr. Miller, are any of the 5 Star investor funds</p>	<p style="text-align: right;">Page 69</p> <p>1 notes and investment packages for 5 Star</p> <p>2 entities?</p> <p>3 A. I plead the Fifth.</p> <p>4 Q. Mr. Miller, did any 5 Star investment funds go to</p> <p>5 North Stream Ministries?</p> <p>6 A. I plead the Fifth.</p> <p>7 Q. Mr. Miller, is it true that all funds that were</p> <p>8 paid to Matt Gingerich came from 5 Star and from</p> <p>9 the 5 Star entities?</p> <p>10 A. I plead the Fifth.</p> <p>11 Q. Mr. Miller, I've seen photographs of you with an</p> <p>12 airplane of some sort. Was that airplane</p> <p>13 acquired with 5 Star money?</p> <p>14 A. I plead the Fifth.</p> <p>15 Q. Do you presently have in your possession any</p> <p>16 property, any money, anything that was acquired</p> <p>17 using 5 Star money?</p> <p>18 A. You know what? That has to do with intent, so</p> <p>19 I'm going to answer that question. That was not</p> <p>20 bought with 5 Star money.</p> <p>21 Q. What was not bought with 5 Star money?</p> <p>22 A. That airplane was not bought with 5 Star money.</p> <p>23 It was not bought with investor funds of 5 Star.</p> <p>24 Q. And where did it come from?</p> <p>25 A. I bought it.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. Where did you get the money from?</p> <p>2 A. I had funds.</p> <p>3 Q. Compensation from 5 Star?</p> <p>4 A. Yes.</p> <p>5 Q. You didn't work for anything other than 5 Star?</p> <p>6 A. No.</p> <p>7 Q. Where is that airplane?</p> <p>8 A. I plead the Fifth.</p> <p>9 Q. Mr. Miller, what was your compensation package for 5 Star?</p> <p>10 A. I plead the Fifth.</p> <p>12 Q. What was Mr. Gingerich's compensation when he worked for 5 Star?</p> <p>14 A. I plead the Fifth.</p> <p>15 Q. Mr. Miller, did 5 Star investment money -- investors' money go toward the failed purchase of a property in Ohio called the NASA building?</p> <p>18 A. I plead the Fifth.</p> <p>19 Q. Were your partners in that Mr. Foraker?</p> <p>20 A. I plead the Fifth.</p> <p>21 Q. Also was involved, I think, another Realtor person by the name of Williams?</p> <p>23 A. I plead the Fifth.</p> <p>24 Q. Do you recall his involvement? And how much money was transferred as part of that purchase?</p> <p>25</p>	<p style="text-align: right;">Page 72</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Mr. Miller, do you have any documents in your possession concerning the transfer of</p> <p>3 Mr. Gingerich's ownership interest in the 5 Star</p> <p>4 entities to you?</p> <p>5 A. I plead the Fifth.</p> <p>7 Q. Do you know of anyone who has the documents concerning that transaction?</p> <p>8 A. I plead the Fifth.</p> <p>10 Q. Did you acquire life insurance in your own name using 5 Star investor money?</p> <p>11 A. I plead the Fifth.</p> <p>13 Q. Mr. Miller, was 5 Star investor money used to pay the buyout from Mr. Bontrager?</p> <p>14 A. I plead the Fifth.</p> <p>16 Q. Did 5 Star entities invest in any business in which Mr. Rudy Helmuth was a principal?</p> <p>17 A. I plead the Fifth.</p> <p>18 Q. Did 5 Star invest money -- was any 5 Star investor money used to invest in businesses co-owned by Marlin Schwartz?</p> <p>21 A. I plead the Fifth.</p> <p>23 Q. Mr. Miller, did you have any ownership interest in R & M Holdings, LLC?</p> <p>24 A. I plead the Fifth.</p> <p>25</p>
<p style="text-align: right;">Page 71</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Would it refresh your memory if it was over \$200,000?</p> <p>3 A. I plead the Fifth.</p> <p>4 Q. That was investor money, Mr. Gingerich?</p> <p>5 Mr. Miller, excuse me. Getting tongue-tied.</p> <p>6 Sorry.</p> <p>7 A. Plead the Fifth.</p> <p>9 Q. I apologize. Mr. Miller, do you also own an entity called EP Miller & Associates?</p> <p>10 A. I plead the Fifth.</p> <p>12 Q. Mr. Miller, do you also have another entity called EM Holdings, LLC?</p> <p>13 A. I plead the Fifth.</p> <p>15 Q. Mr. Miller, do you have any interest in an entity called MLN Properties, LLC?</p> <p>16 A. I plead the Fifth.</p> <p>18 Q. Those entities I just mentioned, were any 5 Star investor money transferred to those entities?</p> <p>19 A. I plead the Fifth.</p> <p>21 Q. Mr. Miller, did you have an ownership interest in a Nevada corporation?</p> <p>22 A. I plead the Fifth.</p> <p>24 Q. That ownership in that corporation included Matt Gingerich and Mr. Bontrager?</p> <p>25</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Any interest -- did any 5 Star investment money go into Legacy Assets, LLC?</p> <p>2 A. I plead the Fifth.</p> <p>4 Q. Did any 5 Star money go into Creative Funding, LLC?</p> <p>5 A. I plead the Fifth.</p> <p>7 Q. Did any 5 Star investor money go into Schwartz Remodeling, LLC?</p> <p>8 A. I plead the Fifth.</p> <p>10 Q. Did any 5 Star investor money get transferred to Premier Property Managers, LLC?</p> <p>11 A. I plead the Fifth.</p> <p>13 Q. Did any 5 Star investor money -- was any 5 Star investor money transferred to Premier Transport Group, LLC?</p> <p>14 A. I plead the Fifth.</p> <p>16 Q. Do you have any -- does 5 Star still have any ownership interest in an entity that was previously called 5 Star XYZ, LLC?</p> <p>17 A. I plead the Fifth.</p> <p>19 Q. Does 5 Star have any interest, ownership interest -- any of the 5 Star entities have any ownership interest in that entity which is now called InfoLink, LLC?</p> <p>20 A. I plead the Fifth.</p> <p>21 Q. Does 5 Star have any interest, ownership interest -- any of the 5 Star entities have any ownership interest in that entity which is now called InfoLink, LLC?</p> <p>22 A. I plead the Fifth.</p> <p>23 Q. Does 5 Star have any interest, ownership interest -- any of the 5 Star entities have any ownership interest in that entity which is now called InfoLink, LLC?</p> <p>24 A. I plead the Fifth.</p> <p>25</p>

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<p style="text-align: right;">Page 74</p> <p>1 Q. Mr. Miller, did you authorize the employees of 5 2 Star to make the distributions to the investor? 3 A. I plead the Fifth. 4 Q. Mr. Miller, did you sign the checks that were 5 paid to the 5 Star investors? 6 A. I plead the Fifth. 7 Q. Mr. Miller, were you the signatory on all the 8 bank accounts for the 5 Star entities? 9 A. I plead the Fifth. 10 Q. Mr. Miller, did you transfer over \$750,000 of 5 11 Star investor money to Global Impact Companies, 12 LLC? 13 A. I plead the Fifth. 14 ASSISTANT TRUSTEE ROBERTS: If I could just 15 interrupt. 16 MR. KOS: Yeah. 17 ASSISTANT TRUSTEE ROBERTS: Mr. Miller, that 18 information is disclosed on the schedules of 19 the various debtors. 20 THE WITNESS: Then why is the question being 21 asked? 22 ASSISTANT TRUSTEE ROBERTS: Mr. Kos is 23 asking questions about the finances of the 24 debtors. And if you will recall, you've 25 answered questions about the Global Impact</p>	<p style="text-align: right;">Page 76</p> <p>1 flow that we got from the houses on a monthly 2 basis. 3 Q. And do you have any work product or record that 4 shows what, in fact -- what they did? 5 A. You have all of it. They gave all of it to you. 6 Have you not spoken with them yet? There's not 7 one phone call to Global yet with you guys? Not 8 one phone call? 9 Q. There's a subpoena -- 10 A. A subpoena? 11 Q. -- that has not been answered. 12 A. We don't know what they did. You don't know 13 where they were. I mean, usually a trustee will 14 reach out and get information from -- 15 Q. And we have. 16 A. -- the previous team and get the information, 17 so... 18 MR. ADELSPERGER: You need another 19 statement? Because I can make one right 20 off. 21 THE WITNESS: Well -- 22 MR. ADELSPERGER: If someone will not 23 respond to a subpoena, how can I trust a 24 phone call? Now, are you going to take the 25 Fifth to that, or are you going to answer</p>
<p style="text-align: right;">Page 75</p> <p>1 transfers previously. So I would suggest 2 that you've waived the Fifth in this line of 3 questioning. 4 Mr. Kos, if you'd like to resume. 5 Q. (By Mr. Kos) Sure. So you did transfer 5 Star 6 investor moneys to Global Impact? And for what 7 did Global Impact do to warrant a \$750,000 8 payday? 9 A. Global really helped us out in restructuring. 10 Again, we're not allowed to execute. So they 11 were able to help us, you know, do all that stuff 12 and restructure. Again, as I stated many times 13 in even the other ones, Global helped us to -- 14 we're going to go after Gingerich. We're going 15 to sue Toth and Foraker. We're going to sue 16 Randy. We had all the lawsuits ready. We 17 were -- we had appointments set up with investors 18 to give them their collateral, their real estate 19 back. We had the documents drafted to give 20 ownership in both Twin City and Village because 21 there were some notes in Village as well. So we 22 were going to give those investors their 23 ownership. Global got paid not all of it at one 24 time. They got paid on the front side a 25 retainer, and then they got paid from the cash</p>	<p style="text-align: right;">Page 77</p> <p>1 that question? I'm serious. If someone 2 will not answer a subpoena, how can I trust 3 a phone call? 4 MR. THOMPSON: Mr. Trustee, when you say -- 5 can you give it some context? When you're 6 saying when someone will not trust -- are 7 you talking about a specific instance? 8 MR. ADELSPERGER: Yeah. Yeah. The instance 9 that he just questioned me on. If my 10 counsel -- I'll be very specific. If my 11 counsel sends a subpoena to Global and its 12 owners and they fail to respond by even 13 saying, "No, we're not giving it to you," 14 they just don't respond, how can you assume 15 that I can trust a phone call? 16 MR. THOMPSON: Can I have a minute to confer 17 with my client? 18 MR. ADELSPERGER: No. I got a pending 19 question. 20 MR. THOMPSON: Yeah. So okay. Then I'm 21 going to assert an objection. 22 MR. ADELSPERGER: Sure. 23 MR. THOMPSON: And the objection is: You're 24 asking a question beyond -- that doesn't 25 even go to the scope of his personal</p>

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<p style="text-align: right;">Page 78</p> <p>1 knowledge. There's no way he can know the 2 answer to that because you're asking him to 3 answer on behalf of Global. I mean, he 4 didn't send the subpoena. They didn't 5 respond to it. You're not talking about 6 something that he didn't respond to. 7 MR. ADELSPERGER: The objection is duly 8 noted. Are you advising him not to answer 9 the question? 10 MR. THOMPSON: I'm going to allow him to 11 answer as he sees fit. 12 MR. ADELSPERGER: There you go. 13 A. So when did you send a subpoena out? 14 EXAMINATION OF EARL D. MILLER 15 BY MR. ADELSPERGER: 16 Q. I'm not going to answer your question with a 17 question. How can I trust a phone call? 18 A. All the documents from Global -- you got all of 19 those directly from -- you got them directly from 20 Cozen O'Connor, and they did a conference call 21 with you to help you understand it. 22 Q. When did this occur? 23 A. Right after you took over. 24 Q. And who told you that it happened? 25 A. I don't remember.</p>	<p style="text-align: right;">Page 80</p> <p>1 MR. ADELSPERGER: Go ahead. 2 ASSISTANT TRUSTEE ROBERTS: It's about, it's 3 about Global and Cozen. 4 EXAMINATION OF EARL D. MILLER 5 BY ASSISTANT TRUSTEE ROBERTS: 6 Q. At the first meeting of creditors, Mr. Miller, 7 you testified that Global Impact took money that 8 had been paid to them by you using 5 Star funds 9 from the 5 Star companies. And used that to pay 10 Cozen O'Connor some of their legal fees. Can you 11 confirm that that is the case? 12 A. I don't remember that. So many questions. 13 Q. Do you know whether or not, in fact, Global paid 14 money to Cozen O'Connor? 15 A. I don't remember. It's been a year ago. Yeah. 16 Q. Do you know what Global did with the \$750,000 17 that was paid to them by the 5 Star entities? 18 A. I don't. 19 EXAMINATION OF EARL D. MILLER 20 BY MR. ADELSPERGER: 21 Q. Are you personally represented by any lawyer at 22 Cozen or the Cozen firm right now? 23 A. I plead the Fifth. 24 Q. Have you used any investor funds to hire Cozen or 25 any other lawyer to represent your personal</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. But it happened? 2 A. I believe it did, yeah. 3 Q. Okay. So it happened or you believe it happened? 4 A. I was told from Cozen that -- I think it was 5 Cozen that told me that it happened. 6 Q. Did they tell you who talked with whom? 7 A. They didn't give me all the specifics. 8 Q. When was the last time you spoke with anyone from 9 Cozen? 10 A. About 30 days ago. 11 Q. Who was it? 12 A. And I don't remember who it was. He didn't tell 13 me at that time. 14 Q. It was a he? 15 A. Yeah. They didn't tell me at that time. You 16 know, they did not tell me -- the last time I 17 spoke with them is not when we had this 18 conversation of what we're indicating here. 19 Q. What was the purpose of the phone call? 20 A. I plead the Fifth. 21 ASSISTANT TRUSTEE ROBERTS: Can I -- 22 MR. ADELSPERGER: We're still on the same 23 topic. 24 ASSISTANT TRUSTEE ROBERTS: It is on the 25 same topic.</p>	<p style="text-align: right;">Page 81</p> <p>1 interest? 2 A. I plead the Fifth. 3 Q. From the date that you began work with the 5 Star 4 entities until the day that you left the 5 employment of the 5 Star entities, was -- is it 6 fair to say that 5 Star was your sole source of 7 income? 8 A. I plead the Fifth. 9 Q. Michael Alfrey is a former employee of the 5 Star 10 entities; is that correct? 11 A. I plead the Fifth. 12 Q. Isn't it true that he departed employment of the 13 5 Star entities on July 24, 2015, because Adam 14 LaFavre from Global was representing your 15 personal interests and not the interest of 5 Star 16 or any of its entities? 17 A. I plead the Fifth. 18 Q. Isn't it true that during that time frame when 19 Global came in and took over operations of 5 20 Star, that you were nowhere to be found? 21 A. I plead the Fifth. 22 Q. Isn't it true that on that -- in that time frame, 23 not only were you nowhere to be found, but you 24 disconnected all forms of communications with 5 25 Star and its employees via communication by cell</p>

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<p style="text-align: right;">Page 82</p> <p>1 phone, home phone, e-mail, text, or any other</p> <p>2 forms of communication?</p> <p>3 A. I plead the Fifth.</p> <p>4 Q. Isn't it true that you instructed Adam LaFavre</p> <p>5 and Global to tell the employees on or about July</p> <p>6 20 that they were in charge and they were calling</p> <p>7 all the shots and you were no longer available</p> <p>8 for comment?</p> <p>9 A. I plead the Fifth.</p> <p>10 MR. ADELSPERGER: Go ahead.</p> <p>11 EXAMINATION OF EARL D. MILLER</p> <p>12 BY MR. KOS:</p> <p>13 Q. Mr. Miller, when was the last time you spoke to</p> <p>14 Adam LaFavre?</p> <p>15 A. I plead the Fifth.</p> <p>16 Q. Have you seen Mr. LaFavre since the bankruptcies</p> <p>17 were filed?</p> <p>18 A. I plead the Fifth.</p> <p>19 Q. You visited Mr. LaFavre at his property in</p> <p>20 Colorado, Buena Vista, Colorado?</p> <p>21 A. I plead the Fifth.</p> <p>22 Q. What did Mr. LaFavre do to earn the \$750,000?</p> <p>23 A. I plead the Fifth.</p> <p>24 Q. What did Mr. Scott Bocklund do?</p> <p>25 A. I plead the Fifth.</p>	<p style="text-align: right;">Page 84</p> <p>1 Mr. Miller, do you have any investment in</p> <p>2 Grand Products, LLC?</p> <p>3 A. I plead the Fifth.</p> <p>4 Q. Did any 5 Star investment money go to Grand</p> <p>5 Products, LLC?</p> <p>6 A. I plead the Fifth.</p> <p>7 Q. Did you have any part in the patenting of</p> <p>8 something called the Torch Knife?</p> <p>9 A. I plead the Fifth.</p> <p>10 Q. Mr. Miller, you earlier said that Global had</p> <p>11 helped prepare various lawsuits. Can you provide</p> <p>12 more detail concerning what lawsuits and who has</p> <p>13 the pleadings concerning those lawsuits and what</p> <p>14 were the grounds of those lawsuits? Take the</p> <p>15 time and the effort, as much as you can.</p> <p>16 A. The lawsuits were never sent out because we're</p> <p>17 not allowed to execute. So lawsuits were to Toth</p> <p>18 and Foraker for being defrauded. They were from</p> <p>19 being defrauded from Portland. This was all</p> <p>20 after the discovery. They discovered that. And</p> <p>21 from Gingerich as well.</p> <p>22 Q. Okay. And what lawyer or law firms prepared</p> <p>23 those?</p> <p>24 A. Cozen O'Connor.</p> <p>25 Q. Any particular lawyer at Cozen O'Connor?</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Who was Brandon Bellamy?</p> <p>2 A. I plead the Fifth.</p> <p>3 Q. Were any other transfers of property other than</p> <p>4 money made to Global Impact Companies?</p> <p>5 A. I plead the Fifth.</p> <p>6 Q. Did 5 Star entities have any other bank accounts</p> <p>7 other than those that were disclosed in the</p> <p>8 bankruptcy schedules as having been at Interra</p> <p>9 Credit Union and Wells Fargo bank?</p> <p>10 A. I plead the Fifth.</p> <p>11 Q. Mr. Miller, is it true that you used</p> <p>12 instrumentalities of public communication --</p> <p>13 telephone, e-mail, fax -- to defraud the</p> <p>14 investors of 5 Star?</p> <p>15 A. No, that is not true.</p> <p>16 Q. Did you make inquiries with investors, for the</p> <p>17 investors, other than telephone?</p> <p>18 A. I did. I talked to investors on the phone.</p> <p>19 Q. Did you accept funds from them by wire transfer?</p> <p>20 A. I plead the Fifth.</p> <p>21 Q. Did you use the instrumentality of the United</p> <p>22 States Postal Service in the furtherance of your</p> <p>23 business enterprise of 5 Star entities --</p> <p>24 A. I plead the Fifth.</p> <p>25 Q. -- and defrauding of creditors?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I don't know for sure who did those.</p> <p>2 Q. Who introduced you to Cozen O'Connor?</p> <p>3 A. I plead the Fifth.</p> <p>4 Q. Did Cozen O'Connor have a prior relationship with</p> <p>5 Global Impact Companies?</p> <p>6 A. I plead the Fifth.</p> <p>7 Q. Mr. Miller, did you transfer any of the 5 Star</p> <p>8 investors' money to either of the Zupetzes?</p> <p>9 A. I plead the Fifth.</p> <p>10 Q. Did you transfer any 5 Star investor money to</p> <p>11 Jason Chandler?</p> <p>12 A. I plead the Fifth.</p> <p>13 Q. Did you transfer any 5 Star investment money to</p> <p>14 Allison and Andrew Pust, P-U-S-T?</p> <p>15 A. I plead the Fifth.</p> <p>16 Q. Was 5 Star investor money used to acquire 63700</p> <p>17 County Road 31, Goshen, Indiana 46526?</p> <p>18 A. I plead the Fifth.</p> <p>19 Q. Mr. Miller, are you aware of any other assets,</p> <p>20 whether they be personal property, real property,</p> <p>21 intangible property, that belongs to 5 Star --</p> <p>22 any of the 5 Star entities that's not listed on</p> <p>23 the bankruptcy schedules?</p> <p>24 A. No. I'm not aware of it.</p> <p>25 Q. Are all the intercompany loans accurately</p>

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<p style="text-align: right;">Page 86</p> <p>1 reflected in the schedules that have been filed?</p> <p>2 A. I plead the Fifth.</p> <p>3 Q. Mr. Miller, did you prepare the prospectuses that</p> <p>4 were provided to the 5 Star investors?</p> <p>5 A. I plead the Fifth.</p> <p>6 Q. Did you read and review the information that was</p> <p>7 contained in all the prospectuses that were given</p> <p>8 to the 5 Star investors?</p> <p>9 A. I plead the Fifth.</p> <p>10 Q. Was the information contained in those</p> <p>11 prospectuses true and accurate to the best of</p> <p>12 your knowledge?</p> <p>13 A. I plead the Fifth.</p> <p>14 Q. Mr. Miller, did 5 Star -- any of the 5 Star</p> <p>15 entities receive cash from the various tenants or</p> <p>16 persons that it dealt with?</p> <p>17 A. I plead the Fifth.</p> <p>18 Q. Has all the cash that was received by 5 Star been</p> <p>19 adequately and properly accounted for?</p> <p>20 A. I plead the Fifth.</p> <p>21 Q. Mr. Miller, have you transferred any assets to</p> <p>22 any family member?</p> <p>23 A. I plead the Fifth.</p> <p>24 Q. Transferred assets to any other person that we've</p> <p>25 not described or identified so far today?</p>	<p style="text-align: right;">Page 88</p> <p>1 ASSISTANT TRUSTEE ROBERTS: All right. We</p> <p>2 are back on the record. These are the</p> <p>3 continued 341 meetings of the 5 Star</p> <p>4 debtors.</p> <p>5 Mr. Miller, again, you continue to be</p> <p>6 under oath. Mr. Kos has finished his</p> <p>7 questions for right now. Oh, you have one</p> <p>8 more.</p> <p>9 MR. KOS: I'm sorry. One more.</p> <p>10 ASSISTANT TRUSTEE ROBERTS: Go ahead.</p> <p>11 EXAMINATION OF EARL D. MILLER</p> <p>12 BY MR. KOS:</p> <p>13 Q. Mr. Miller, if you can tell us, do you know what</p> <p>14 the maximum amount of money was invested in the</p> <p>15 properties in Portland, Oregon?</p> <p>16 A. I plead the Fifth.</p> <p>17 MR. KOS: Okay.</p> <p>18 ASSISTANT TRUSTEE ROBERTS: Okay. And you</p> <p>19 had some questions?</p> <p>20 MR. HORN: Yes, ma'am. I'm George Horn.</p> <p>21 I'm counsel for Matt Gingerich.</p> <p>22 EXAMINATION OF EARL D. MILLER</p> <p>23 BY MR. HORN:</p> <p>24 Q. Mr. Miller, I have a few questions, if you would</p> <p>25 please. It is true -- is it not? -- that on or</p>
<p style="text-align: right;">Page 87</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Mr. Miller, did any 5 Star investor money go into</p> <p>3 JC Capital Fund Trust?</p> <p>4 A. I plead the Fifth.</p> <p>5 Q. Mr. Miller, did any 5 Star investor money go into</p> <p>6 Bass Finders, LLC?</p> <p>7 A. I plead the Fifth.</p> <p>8 Q. Mr. Miller, did any 5 Star investor money go into</p> <p>9 Born to Win Trust?</p> <p>10 A. I plead the Fifth.</p> <p>11 Q. Mr. Miller, do you have any knowledge of an</p> <p>12 entity called Helmuth Investments, LLC?</p> <p>13 A. I plead the Fifth.</p> <p>14 Q. Did any 5 Star investor money go into Helmuth</p> <p>15 Investments, LLC?</p> <p>16 A. I plead the Fifth.</p> <p>17 ASSISTANT TRUSTEE ROBERTS: Can you speak</p> <p>18 up, please?</p> <p>19 Q. (By Mr. Kos) Earlier I asked about a Realtor. I</p> <p>20 couldn't remember his name. William E.</p> <p>21 Gallagher. Regarding the NASA building. Were</p> <p>22 you aware that he had an ownership in the</p> <p>23 building that was being sold?</p> <p>24 A. I plead the Fifth.</p> <p>25 (Break in audio recording)</p>	<p style="text-align: right;">Page 89</p> <p>1 about July 29th, 2014, you entered into a unit</p> <p>2 purchase agreement with Mr. Gingerich whereby the</p> <p>3 purchase was 50 percent interest in what we'll</p> <p>4 refer to as the 5 Star entities?</p> <p>5 A. I plead the Fifth.</p> <p>6 Q. And prior to entering into that unit purchase</p> <p>7 agreement with Mr. Gingerich, you had access to</p> <p>8 the 5 Star financial (inaudible) position with</p> <p>9 the companies, correct?</p> <p>10 A. I plead the Fifth.</p> <p>11 Q. And you entered into the agreement with</p> <p>12 Mr. Gingerich, agreeing to pay him two and a half</p> <p>13 million dollars for his 50 percent interest in</p> <p>14 the company because you believed that was a fair</p> <p>15 amount given your access to financials at that</p> <p>16 time, correct?</p> <p>17 A. I plead the Fifth.</p> <p>18 MR. ADELSPERGER: Sir, speak up, please.</p> <p>19 I'm sorry.</p> <p>20 A. Okay. I plead the Fifth.</p> <p>21 Q. (By Mr. Horn) And, in fact, you had such</p> <p>22 confidence in the financial stability of the 5</p> <p>23 Star entities, you agreed to make payments to</p> <p>24 Mr. Gingerich over a period of ten years,</p> <p>25 correct?</p>

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<p style="text-align: right;">Page 90</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Mr. Miller, when some of the apartment complexes</p> <p>3 that 5 Star had invested in were sold,</p> <p>4 acquisition fees were paid at the time those</p> <p>5 sales went through, correct?</p> <p>6 A. I plead the Fifth.</p> <p>7 Q. And you received some of those acquisition fees</p> <p>8 personally and kept them for your own, correct?</p> <p>9 A. I plead the Fifth.</p> <p>10 Q. Did any of those acquisition fees ultimately go</p> <p>11 back to 5 Star?</p> <p>12 A. I plead the Fifth.</p> <p>13 Q. There came a point in time where you invested 5</p> <p>14 Star money with a company called Green Resource</p> <p>15 Homes, correct?</p> <p>16 A. I plead the Fifth.</p> <p>17 Q. And you did that without investor permission,</p> <p>18 correct?</p> <p>19 A. I plead the Fifth.</p> <p>20 Q. You had an ownership interest in Green Resource</p> <p>21 Homes along with Mr. Toth and Mr. Foraker,</p> <p>22 correct, Mr. Miller?</p> <p>23 A. I plead the Fifth.</p> <p>24 Q. And Green Resource Homes at some point in about</p> <p>25 2015 purchased a property located at 420 Main in</p>	<p style="text-align: right;">Page 92</p> <p>1 purchased that property, the property was sold to</p> <p>2 H & H; is that correct?</p> <p>3 A. I plead the Fifth.</p> <p>4 Q. And that sale was made through your partners at</p> <p>5 Green Resource Homes, Mr. Toth and Mr. Foraker,</p> <p>6 to H & H, correct?</p> <p>7 A. I plead the Fifth.</p> <p>8 Q. And at the time they were involved in that sale</p> <p>9 to H & H of the 420 Main Street property, they</p> <p>10 had legal authority to act on behalf of Green</p> <p>11 Resource Homes?</p> <p>12 A. I plead the Fifth.</p> <p>13 Q. Let me go back for a second. When you entered</p> <p>14 into the unit purchase agreement with</p> <p>15 Mr. Gingerich, you entered into it voluntarily,</p> <p>16 correct?</p> <p>17 A. I plead the Fifth.</p> <p>18 Q. And prior to entering into it, on at least a</p> <p>19 monthly basis, you had access to the company</p> <p>20 financials of 5 Star, the 5 Star entities,</p> <p>21 correct?</p> <p>22 A. I plead the Fifth.</p> <p>23 Q. You also had access to the accountant,</p> <p>24 Mr. Geiger, to review those financials at any</p> <p>25 point in time should you so desire prior to the</p>
<p style="text-align: right;">Page 91</p> <p>1 Middlebury, Indiana, correct?</p> <p>2 A. I plead the Fifth.</p> <p>3 Q. And you had an ownership interest in Green</p> <p>4 Resource Homes at the time that purchase was</p> <p>5 made, correct?</p> <p>6 A. I plead the Fifth.</p> <p>7 Q. Green Resource Homes purchased that property for</p> <p>8 \$550,000, give or take, correct?</p> <p>9 A. I plead the Fifth.</p> <p>10 Q. And Green Resource Homes purchased that property</p> <p>11 from a company known as RSR, am I correct?</p> <p>12 A. I plead the Fifth.</p> <p>13 Q. And the \$550,000 paid by Green Resource Homes for</p> <p>14 that property was \$200,000 more than had been</p> <p>15 previously paid for that property when it had</p> <p>16 sold two times prior to Green Resource Homes</p> <p>17 purchasing it, correct?</p> <p>18 A. I plead the Fifth.</p> <p>19 Q. And Green Resource Homes, in fact, was laundering</p> <p>20 money through that building for purposes of</p> <p>21 paying that inflated price of \$550,000; is that</p> <p>22 correct?</p> <p>23 A. I plead the Fifth.</p> <p>24 Q. The funds used -- let me back up for a second.</p> <p>25 At some point after Green Resource Homes</p>	<p style="text-align: right;">Page 93</p> <p>1 purchase of Mr. Gingerich's interest, correct?</p> <p>2 A. I plead the Fifth.</p> <p>3 Q. And as part of the payments you made to</p> <p>4 Mr. Gingerich -- well, let me back up.</p> <p>5 Under the uniform purchase -- excuse me --</p> <p>6 unit purchase agreement, that was a personal</p> <p>7 obligation which you had to Mr. Gingerich to pay</p> <p>8 him that two and a half million dollars over ten</p> <p>9 years, correct?</p> <p>10 A. I plead the Fifth.</p> <p>11 Q. And within the first year or so, you paid</p> <p>12 Mr. Gingerich approximately 1.6 of the</p> <p>13 \$2.5 million you owed him, correct?</p> <p>14 A. I plead the Fifth.</p> <p>15 Q. And part of those funds came from your own</p> <p>16 personal funds, correct?</p> <p>17 A. I plead the Fifth.</p> <p>18 Q. And part of those funds that were paid to</p> <p>19 Mr. Gingerich came from money that Mr. Schwartz</p> <p>20 paid you for an ownership interest in the 5 Star</p> <p>21 entities?</p> <p>22 A. I plead the Fifth.</p> <p>23 Q. And part of those funds paid to Mr. Gingerich</p> <p>24 included a distribution from 5 Star to you that</p> <p>25 was recorded on the 2014 tax return of the</p>

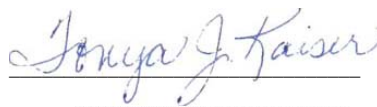

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<p style="text-align: right;">Page 94</p> <p>1 entity, correct?</p> <p>2 A. I plead the Fifth.</p> <p>3 Q. You are currently in default of your agreement</p> <p>4 with Mr. Gingerich under the unit purchase</p> <p>5 agreement, correct?</p> <p>6 A. I plead the Fifth.</p> <p>7 Q. When the Sungate property was sold for two and a</p> <p>8 half million dollars, was an acquisition fee</p> <p>9 received?</p> <p>10 A. I plead the Fifth.</p> <p>11 Q. Did you personally keep the acquisition fee</p> <p>12 receipt for the Sungate property?</p> <p>13 A. I plead the Fifth.</p> <p>14 Q. It is correct -- is it not? -- that you declined</p> <p>15 to pay the investors in the Sungate property the</p> <p>16 amount they were due when the property was sold?</p> <p>17 A. I plead the Fifth.</p> <p>18 Q. There were other property sales where 5 Star was</p> <p>19 entitled to receive an acquisition fee aside from</p> <p>20 Sungate; is that correct?</p> <p>21 A. I plead the Fifth.</p> <p>22 Q. You have not made any efforts to recover money</p> <p>23 from Global that was paid to them, have you,</p> <p>24 Mr. Gingerich -- or see, I'm getting like Ed.</p> <p>25 Have you, Mr. Miller?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. I plead the Fifth.</p> <p>2 MR. HORN: That's all I have. Thank you.</p> <p>3 ASSISTANT TRUSTEE ROBERTS: Trustee</p> <p>4 Adelsperger.</p> <p>5 EXAMINATION OF EARL D. MILLER</p> <p>6 BY MR. ADELSPERGER:</p> <p>7 Q. Mr. Miller, just following up, a couple of</p> <p>8 questions on that particular line of questions.</p> <p>9 Isn't it true that Mr. Gingerich instructed</p> <p>10 you to account for the payments that were made to</p> <p>11 him for the purchase of that stock as</p> <p>12 distributions to you from the company?</p> <p>13 A. I plead the Fifth.</p> <p>14 Q. Isn't it true that all of the funds that went to</p> <p>15 Mr. Gingerich stemmed -- for the purchase of his</p> <p>16 stock or the sale of his stock to you, were from</p> <p>17 investor money?</p> <p>18 A. I plead the Fifth.</p> <p>19 Q. Isn't it true that the transfer of the Middlebury</p> <p>20 property that was just discussed occurred after</p> <p>21 the SEC put in place a freeze of distributing or</p> <p>22 selling any properties owned by 5 Star or you?</p> <p>23 A. I plead the Fifth.</p> <p>24 MR. ADELSPERGER: I have no further</p> <p>25 questions. Does any of my counsel have any</p>
<p style="text-align: right;">Page 95</p> <p>1 A. I plead the Fifth.</p> <p>2 Q. Global did not complete all of the work they were</p> <p>3 paid to do with that \$750,000, correct?</p> <p>4 A. I plead the Fifth.</p> <p>5 Q. With regard to access to the financials of 5 Star</p> <p>6 prior to the sale of Mr. Gingerich's interest to</p> <p>7 you, you actually had monthly meetings with</p> <p>8 Mr. Geiger to review the financials of the</p> <p>9 company, correct?</p> <p>10 A. I plead the Fifth.</p> <p>11 Q. Mr. Miller, what documents did you review to</p> <p>12 refresh your memory related to your testimony</p> <p>13 here today?</p> <p>14 A. I plead the Fifth.</p> <p>15 Q. With regard to the company that owned the 420</p> <p>16 Main Street property in Middlebury, before it was</p> <p>17 purchased by Green Resource Homes, RSR, what do</p> <p>18 you know about that company?</p> <p>19 A. I plead the Fifth.</p> <p>20 Q. Do you know who owned the company?</p> <p>21 A. I plead the Fifth.</p> <p>22 Q. Can you tell us why Green Resource Homes paid</p> <p>23 \$550,000 for the property when the two prior</p> <p>24 sales never were above \$350,000 for that</p> <p>25 property?</p>	<p style="text-align: right;">Page 97</p> <p>1 questions? Unsecured creditors committee</p> <p>2 have any questions?</p> <p>3 MR. JONAS: Nothing further.</p> <p>4 ASSISTANT TRUSTEE ROBERTS: Okay. I do have</p> <p>5 a couple of questions.</p> <p>6 EXAMINATION OF EARL D. MILLER</p> <p>7 BY ASSISTANT TRUSTEE ROBERTS:</p> <p>8 Q. You were just asked some questions regarding your</p> <p>9 relationship with Global Impact. Did you, did</p> <p>10 you personally ever receive any money from Global</p> <p>11 Impact?</p> <p>12 A. I plead the Fifth.</p> <p>13 Q. Did you personally receive any money from Global</p> <p>14 Impact after the bankruptcy cases were filed?</p> <p>15 A. I plead the Fifth.</p> <p>16 Q. Did you personally receive any money from Adam</p> <p>17 LaFavre?</p> <p>18 A. I plead the Fifth.</p> <p>19 Q. Did you personally receive any money from Adam</p> <p>20 LaFavre after the bankruptcy cases were filed?</p> <p>21 A. I plead the Fifth.</p> <p>22 Q. Did you personally receive any money from Z</p> <p>23 Ministries after the bankruptcy cases were filed?</p> <p>24 A. I plead the Fifth.</p> <p>25 Q. Did you personally receive any money from the</p>

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<p style="text-align: right;">Page 98</p> <p>1 Zupetztes after the bankruptcy cases were filed?</p> <p>2 A. I plead the Fifth.</p> <p>3 Q. Did you personally receive any money from</p> <p>4 Mr. Toth after the bankruptcy cases were filed?</p> <p>5 A. I plead the Fifth.</p> <p>6 Q. Did you personally receive any money from</p> <p>7 Mr. Foraker after the bankruptcy cases were</p> <p>8 filed?</p> <p>9 A. I plead the Fifth.</p> <p>10 ASSISTANT TRUSTEE ROBERTS: I have no</p> <p>11 further questions today. I reserve the</p> <p>12 right to continue further questions. We</p> <p>13 will adjourn the meeting of creditors, and</p> <p>14 we reserve the right at this time to conduct</p> <p>15 one further potential meeting of creditors.</p> <p>16 If, in fact, there is a decision to continue</p> <p>17 and to hold a further meeting of creditors,</p> <p>18 notice will go out. You will all receive at</p> <p>19 least 30 days' notice. At this time, I'm</p> <p>20 going to close the meeting for today. And</p> <p>21 we are off the record on November 15th,</p> <p>22 2016.</p> <p>23 (Break in audio recording)</p> <p>24 MR. ADELSPERGER: Hold on, hold on. We're</p> <p>25 going to make a technical correction.</p>	<p style="text-align: right;">Page 100</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>1</p> <p>2</p> <p>3 I, Tonya J. Kaiser, a Notary Public, authorized to</p> <p>4 take and certify transcriptions, do hereby certify that</p> <p>5 the foregoing transcript was transcribed to the best of</p> <p>6 my ability from an audio recording.</p> <p>7</p> <p>8 IN WITNESS WHEREOF, I have set my hand and seal this</p> <p>9 2nd day of December, 2016.</p> <p>10</p> <p>11 </p> <p>12</p> <p>13 </p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 99</p> <p>1 ASSISTANT TRUSTEE ROBERTS: Yes. Back on</p> <p>2 the record for the continued 341 meeting of</p> <p>3 the 5 Star debtors. We're going to continue</p> <p>4 the meeting and --</p> <p>5 MR. ADELSPERGER: No. No. We're requesting</p> <p>6 that the meeting be adjourned and concluded.</p> <p>7 Any further investigation of Mr. Miller or</p> <p>8 anything else would have to come under Rule</p> <p>9 2004 of the bankruptcy code and not, and</p> <p>10 not --</p> <p>11 UNIDENTIFIED FEMALE VOICE: For the federal</p> <p>12 rules.</p> <p>13 MR. ADELSPERGER: Oh, the federal rules.</p> <p>14 Exactly. But not through a 341 meeting.</p> <p>15 ASSISTANT TRUSTEE ROBERTS: All right. That</p> <p>16 being said, the 341 meeting is concluded.</p> <p>17 MR. ADELSPERGER: Adjourned and concluded.</p> <p>18 Thank you.</p> <p>19 (End of audio recording)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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